A(-7800573 United States Senate WASHINGTON, DC 20510-1702

(202) 224-2541

COMMITTEES:

AGRICULTURE
APPROPRIATIONS
JOINT COMMITTEE ON PRINTING
LABOR & HUMAN RESOURCES
RULES

February 24, 1998

Mr. Robert Hickmott Environmental Protection Agency Director, Office Of Congressional Liaison 401 M Street SW Washington, D.C. 20460

Dear Mr. Hickmott:

I have recently been contacted by a constituent who is interested in the Environmental Protection Agency's plans to interpret a provision of the Safe Drinking Water Act which requires pipe fittings and other plumbing products to be lead-free by August 6, 1998. I would appreciate your review of his concerns.

Enclosed please find a copy of the constituent's correspondence. Please direct any inquiries, and forward all relevant information to Allison Hiltz in my Washington D.C. office.

I appreciate your assistance in this matter.

Sincerely,

MITCH/ McCONNELL

UNITED STATES SENATOR

MM/alh

Enclosure

Breck Cayce President

98 FEB 20 AH IO: 30

February 16, 1998

The Honorable Mitch McConnell United States Senate Suite 120 Russell Senate Office Bldg. Washington, DC 20510

Dear Senator:

As a wholesaler of plumbing-heating-cooling-piping supplies located in Hopkinsville, Kentucky, I am very concerned about how the EPA intends to interpret a provision of the Safe Drinking Water Act --- due to take effect August 6, 1998.

The Act requires pipe, fittings and other plumbing products to be lead-free after August 6. In the past, EPA has interpreted similar effective dates to mean that all manufacturing of nonconforming products must stop as of the stated effective date. That is a workable interpretation that can be implemented by the industry with minimal disruption.

Now, however, the EPA says that, on the August 6 effective date, there can be non-conforming products sold anywhere in the distribution chain. That interpretation would spell chaos for the plumbing industry. As a wholesaler, I have a broad range of plumbing products from multiple manufacturing sources in my inventory. Since the "conforming" and "nonconforming" product are not required to be labeled as such, often I have no easy way of knowing which of the hundreds or even thousands of pipe and plumbing fittings or fixtures in my inventory meet the specific requirements of the new law. Even if I was able to track the identity of nonconforming products, the EPA's interpretation means that thousands of dollars of my inventory become obsolete overnight. Furthermore, the EPA's present interpretation allows manufacturers to shop noncompliant products to me as late as August 5, 1998.

I wholeheartedly support the requirement for lead free plumbing products. Yet, the implementation of this requirement should not needlessly disrupt the entire distribution chain -- particularly when there is a reasonable, common sense way to implement the proven that is consistent with prior agency policy.

I ask you to contact the EPA Administrator and urge her to interpret the August 6 effective date to mean that no manufacturing of nonconforming products will take place after that date. This is a common sense, non intrusive way to implement the law.

Sharks berond ball



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY WASHINGTON, D.C. 20460

MAR 26 1908

OFFICE OF

The Honorable Mitch McConnell United States Senate Washington, DC 20510

Dear Senator McConnell:

Thank you for your letter of February 24, 1998, in which you forwarded a February 16, 1998 letter from Mr. Breck Cayce which expressed concern over how the U.S. Environmental Protection Agency (EPA) interprets a provision of the Safe Drinking Water Act (SDWA) requiring pipes, plumbing fittings or fixtures introduced into commerce after August 6, 1998, to be lead free. The letter from your constituent expressed particular concern about possible disruption to the plumbing products distribution chain and noted that a preferred interpretation of the statutory prohibition against nonconforming products would be that it apply only to manufacturers (i.e., not to wholesalers or retailers of plumbing products).

We certainly understand the legitimate concerns expressed in the letter from your constituent. However, we believe the language of Section 1417(a)(3)(A) of SDWA is clear in this regard:

Effective 2 years after the date of enactment of this paragraph [i.e., August 6, 1998], it shall be unlawful for a person to introduce into commerce any pipe, or any pipe or plumbing fitting fixture, that is not lead-free, except for a pipe that is used in manufacturing or industrial processing.

The language of the statute does not distinguish between manufacturing, wholesale, or retail activities when using the term, "introduce into commerce." Moreover, the June 24, 1996, report of the House Committee on Commerce, in discussing this provision, notes that "...it shall be unlawful to sell (or otherwise introduce into commerce) pipes or plumbing fittings or fixtures that are not lead free...." (House of Representatives Report 104-632, Part 1; page 39). We believe that the Committee Report's use of the word "sell" in this context indicates that a comprehensive interpretation of the term "introduce into commerce" was intended. For your reference, I am enclosing a copy of a December 10, 1996, letter from Cynthia C. Dougherty, Director of the Office Ground Water and Drinking Water, which also addresses this issue.

Your constituent asserts that EPA interpreted such language in the past as applying to manufacturers only and urges the Agency to follow this interpretation again. We believe this comment refers to an interpretation the Agency made of the term "introduce into interstate commerce" related to certain labeling requirements under Section 611 of the Clean Air Act. The Agency's approach here is based on the fundamental design and underlying purpose of Section 1417 of the SDWA. Extensive information is available documenting the serious health consequences associated with exposure to elevated levels of lead. In addition, non lead-free plumbing materials have been shown to have the potential to leach significant amounts of lead into drinking water. Therefore, any sale of non lead-free plumbing fixtures to any person poses an identifiable and potentially significant health risk to that individual. This is substantially different than the issue that was addressed in the rule under Section 611 of the Clean Air Act, which was an informational labeling regulation, not an issue in which each individual purchaser would have a direct, individualized health risk from their use of the product.

The Agency believes that Section 1417(a)(3) was enacted precisely to ensure that such adverse public health impacts would be avoided after the effective date of this provision. Narrowly construing the term "introduce into commerce" would, however, allow the sale of these devices directly to the public to go on indefinitely. Such a result cannot, in the Agency's view, be reconciled with the important public health objectives reflected in Section 1417. Moreover, Section 1417(a)(1) of the Act prohibits any use of non lead-free plumbing fixtures in any facility providing water for human consumption. In the Agency's view, it is difficult to conclude that Congress intended to allow plumbing retailers to continue selling these devices to the public after the effective date of Section 1417(a)(3), where the use of those devices is itself banned by the Act. EPA's interpretation, in contrast, appropriately reinforces the prohibition on using these devices, and thereby best implements the overall goals of Section 1417.

As you may know, plumbing products used to provide water for human consumption have been required to be "lead-free" (defined as containing no more than 8 percent lead) since the 1986 amendments to SDWA. The new provisions of the 1996 SDWA amendments add a performance standard to the definition of lead free, such that certain plumbing products must not leach unacceptably high quantities of lead as determined by a voluntary standard. The performance standard, which has been jointly developed for this purpose by EPA, industry representatives, and other experts is the National Standards Foundation (NSF) International Consensus Standard 61, Section 9. We believe that this standard is technologically achievable within a reasonable period of time. We further believe that the two years provided by Congress should, in most instances, allow the industry adequate time to phase in this requirement while preventing disruption in the distribution channels.

EPA does not plan to issue any implementing regulations since we believe the statute is clear and regulations are unnecessary. Further, implementation of Section 1417 of SDWA will be primarily conducted by state and local officials. Therefore, I would encourage your constituent to contact the appropriate state and local officials to determine the specific requirements applicable to their situation.

I hope that this letter adequately responds to the concerns expressed in your constituent's letter. Please feel free to contact me or have your constituent contact Mr. William Diamond, Director of the Standards and Risk Management Division within the Office of Ground Water and Drinking Water at 202-260-7575, if there are any further questions on this matter.

Bot Percosepe

Robert Perciasepe Assistant Administrator

Enclosure

Hnited States Senate
WASHINGTON, DC 20510-1702

(202) 224-2541

COMMITTEES:
AGRICULTURE
APPROPRIATIONS
JOINT COMMITTEE ON PRINTING
LABOR & HUMAN RESOURCES
RULES

February 27, 1998

Ms. Carol M. Browner Administrator Environmental Protection Agency 401 M Street SW Washington, D.C. 20460

Dear Ms. Browner:

I have recently been contacted by some of my constituents who are concerned about the EPA's proposed NOx SIP Call. I would greatly appreciate your review of their concerns.

Enclosed please find a copy of their correspondence. Please forward any relevant information to Allison Hiltz in my Washington, D.C. office.

I appreciate your prompt attention to this matter.

Sincerely,

MITCH McCONNELL

UNITED STATES SENATOR

MM/alh

Enclosure

Honorable Mitch McConnell United States Senate Washington, D.C. 20510-1702

Dear Senator McConnell:

This is in response to your February 27, 1998 letter to Administrator Carol M. Browner regarding the Environmental Protection Agency's (EPA's) November 7, 1997 (62 FR 60318) proposed rulemaking for addressing the regional ozone transport problem. In your letter you included correspondence forwarded from two of your constituents, Lew and Kenna Dunn, dated February 20, 1998, opposing EPA's certification in the recent proposed rulemaking that no Small Business Regulatory Enforcement Fairness Act analysis was necessary.

The same issues raised by your constituents are being raised in a current lawsuit: West Virginia Chamber of Commerce, et al. v. Browner, no. 98-1013 (4th Cir. 1998). The EPA intends to provide its views on these issues in a brief that is due to be filed by April 15, 1998. We will be pleased to forward a copy of the brief to you as soon as it is filed.

I appreciate the opportunity to be of service and trust that this information will be helpful to you.

Sincerely yours,

John S. Seitz

Director

Office of Air Quality Planning
and Standards

bcc: Tom Helms, OPSG
Howard Hoffman, OGC
Kevin McLean, OGC
Kimber Scavo, OPSG
David Cole, OPSG
Dave Sanders, OPSG
Scott Mathias, ISEG

COMMITTEES:
AGRICULTURE
APPROPRIATIONS
JOINT COMMITTEE ON PRINTING
LABOR & HUMAN RESOURCES
RULES

United States Senate

WASHINGTON, DC 20510-1702 (202) 224-2541

AC-9800877

March 24, 1998

The Honorable Carol Browner Administrator Environmental Protection Agency 410 M Street SW Washington, DC 20460

Dear Administrator Browner:

As you may be aware, I have introduced legislation, S.557, which would exempt the emissions from distilled spirits aging warehouse from regulation under the Clean Air Act. This legislation is grounded in the strong belief that altering the natural aging process would not only deprive spirits products of their inherent characteristics, but also the resultant decrease in sales would mean less revenue to the Federal Treasury.

In addition to S.557, the Congress has also spoken on this matter in EPA's FY '98 appropriations bill by directing the agency to "reevaluate their position and work with the industry to assure that the quality of their products is not jeopardized" (Senate Report 105-53, Page 63).

In the spirit of following through on working with the industry, I urge you and/or your designee to visit the warehouse site in Kentucky, operated by Jim Beam Brands, Inc. of Clermont, Kentucky, to more fully understand the importance of the aging process in question. Once we know of the availability of EPA officials, we would be more than pleased to work out the details of the visit with your office and industry official.

Thank you for your attention to this matter and we look forward to hearing from you soon.

Sincerely,

MITCHMcCONNELL

UNITED STATES SENATOR



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY WASHINGTON, D.C. 20460

MAY - 5 1998

OFFICE OF AIR AND PADIATION

Honorable Mitch McConnell United States Senate Washington, DC 20510-1702

Dear Senator McConnell:

This is in response to your letter of March 24, 1998 to Administrator Carol M. Browner in which you expressed concern about pollution control efforts for ethanol emissions from the process of aging distilled spirits. In your letter, you invited Administrator Browner or her designee to visit a whiskey warehouse in Kentucky.

The Environmental Protection Agency (EPA) has no national requirement that distilled spirits manufacturers use specific control technology or meet a particular level of emission reductions, nor do we have plans to develop such a requirement. However, depending upon the size and location of an existing source, some may need an operating permit issued under title V of the Clean Air Act (CAA). Whether a source needs an operating permit or not, EPA does not believe compliance with CAA requirements would have any adverse effect on product quality. If a State determines that control requirements are needed, they would be developed by those States (with EPA's approval) where the control was deemed necessary to attain the standard.

On November 7, 1997, the EPA issued a State implementation plan (SIP) call to 22 States, including Kentucky, which will require control of nitrogen oxides (NO_x) emissions to reduce ozone formation and to help enable the ozone ambient air quality standard to be met. These regionwide NO_x controls may lessen the need for local controls on volatile organic compounds such as ethanol. Much of this NO_x reduction will likely come from controls on electric power generating plant boilers. The EPA is proposing that States can use an emissions trading program to help industries meet the required NO_x emission requirements. Through such an innovative approach, EPA is trying to ensure that all segments of industry do their share in meeting the ambient air quality standards and that an unfair amount of the burden of pollution control does not fall on any one source category such as the whisky distilling industry.

The EPA is continuing to look at the issue of photochemical reactivity of volatile organic compounds. We are planning to hold a workshop on photochemical reactivity in Durham, NC, on May 12-14 to help us determine if any aspect of our current reactivity policy needs to be revised. This workshop is open to the public, and we expect participation from a wide cross section of industry and academia. We have sent an invitation to the Distilled Spirits Council of the United States, Inc., and a representative of that organization has registered to attend.

Thank you for inviting the Administrator or her designee to visit the warehouse site in Kentucky. However, we are very sorry that we cannot accept your invitation at this time.

I appreciate this opportunity to be of service and trust that this information will be helpful to you.

Sincerely yours,

Righard D. Wilson

Acting Assistant Administrator

for Air and Radiation

United States Senate

WASHINGTON, DC 20510-1702 (202) 224-2541 COMMITTEES:
AGRICULTURE
APPROPRIATIONS
JOINT COMMITTEE ON PRINTING
LABOR & HUMAN RESOURCES
PULES -

April 15, 1998

Mr. Robert Hickmott Environmental Protection Agency Director, Office Of Congressional Liaison 401 M Street SW Washington, D.C. 20460

Dear Mr. Hickmott:

I have recently been contacted by a constituent who is concerned about the environmental regulations with which his company must comply. I would greatly appreciate your review of his concerns.

Enclosed please find a copy of his correspondence. Please forward any relevant information to Allison Hiltz in my Washington, D.C. office.

I appreciate your prompt attention to this matter.

Sincerely,

MITCH McCONNELL

UNITED STATES SENATOR

MM/alh

Enclosure



April 10,989888 | 3 AM | 1:00

Honorable Mitch McConnell 601 West Broadway Room 630 Louisville, KY 40202

Dear Senator McConnell:

D = 0 F 0

As manager of a small chemical processing facility, I must allocate resources to comply with the myriad regulations which govern nearly every aspect of our business. As burdensome and tedious as these can be, I understand the need for such controls. We endeavor to be responsible members of the Louisville community and earnestly try to understand and comply with all applicable regulations.

My objective for writing today concerns a specific limitation which has recently been applied to our operation. Since the startup of the plant in 1987 the effluent wastewater has been subject to the quality requirements imposed by the local POTW, Metropolitan Sewer District (MSD). The standard industrial wastewater limits enforced by MSD included a limit for zinc of 5.3 ppm. In late 1997, following an inspection, MSD determined that our business fit the description of an EPA Industrial Category and therefore our effluent would have to comply with quality standards established by EPA. The applicable category for our facility is Organic Chemicals, Plastics and Synthetic Fibers (OCPSF) as described in 40 CFR Ch. 1, Part 414, subpart D. While I agree that Interpolymer's manufacturing activities are consistent with those described in the OCPSF category, I question the limit for zinc established by this OCPSF standard. The new limit sets 1 ppm as the monthly average zinc content allowed in the effluent from the plant. Although I don't claim to be knowledgeable of the toxicological or environmental impacts of zinc in our nation's waterways, I have found an apparent inconsistency in the regulations which govern zinc.

According to Mr. Jack Wong, Laboratory Supervisor for Louisville Water Company, there is currently no Federal standard for zinc in drinking water. The Louisville Water Company does adhere to an industry standard 5 ppm limit on zinc for odor and taste reasons. Mr. Wong is aware of a

-2-

proposed new standard which will limit the zinc content to 2 ppm. As you can see, the proposed regulations will allow more zinc in our drinking water than the OCPSF standard permits in my plant's wastewater.

I wish to enlist the help of your office in identifying what agencies I should contact to begin investigating this matter. Is there already a process by which suspicious or harmful regulations can be reopened for examination? There must be an error since the proposed drinking water standard is less restrictive than my current wastewater permit.

Of course my motives are slightly selfish. If the 1 ppm standard is upheld, I will certainly have to commit capital funds to bring our operation into compliance. I'm frustrated because it seems like this would be an unnecessary and fruitless expenditure. The country is not served by bad regulations, but in fact is made less competitive in the world marketplace when capital is spent on nonproducing assets.

If you think your staff could give me some direction in this matter, please contact me at the above address. Thank you in advance for any help or advice provided.

Sincerely,

Edward Lloyd

Louisville Plant Manager Interpolymer Corporation

Edward C. Hoyd



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET, SW
ATLANTA, GEORGIA 30303-8909

MAY 1 9 1998

Honorable Mitch McConnell United States Senate Washington, DC 20510

Dear Senator McConnell:

Thank you for your letter dated April 15, 1998, on behalf of Interpolymer Corporation, Louisville, Kentucky (Interpolymer), regarding the existing source organic chemical, plastics, and synthetic fibers (OCPSF) industry wastewater discharge standards for zinc.

In order to implement the Clean Water Act, EPA issued effluent limitation guidelines and pretreatment standards for industrial dischargers, including the type of industry which is operated by Interpolymer. The categorical industry standards for the discharge of wastewater effluent are applicable to industries who discharge into a publicly owned treatment works (POTWs) with an approved pretreatment program as well as those who discharge directly into navigable waters.

Categorical pretreatment standards are developed to achieve a degree of water pollution control for selected industries and pollutants intended to prevent site-specific plant and environmental problems resulting from industrial discharges to a POTW. The General Pretreatment Regulations require Control Authorities (i.e., POTWs) to develop a program, which includes enforcement of specific limits, to protect the POTW and the environment from adverse impacts that may occur when pollutants are discharged into a sewage collection system. In implementing its pretreatment program, a Control Authority is required to enforce the "applicable pretreatment standard" (i.e., Federal, State, or local, whichever is most stringent).

Interpolymer believes there is an inconsistency in the OCPSF existing source categorical pretreatment standards and the drinking water standard for zinc. These categorical pretreatment standards are based on ecological risk within the receiving stream and protection of the POTW, while drinking water standards are based on the risk to human health.

If I may be of further assistance, please feel free to contact me.

Sincerely,

John H. Hankinson, Jr. Regional Administrator

WASHINGTON, DC 20510-1702 (202) 224-2541 AGRICULTURE
APPROPRIATIONS
JOINT COMMITTEE ON PRINTING
LABOR & HUMAN RESOURCES
NULES

May 15, 1998

Mr. Robert Hickmott Environmental Protection Agency Director, Office Of Congressional Liaison 401 M Street SW Washington, D.C. 20460

Dear Mr. Hickmott:

I am writing on behalf of a constituent who has inquired about the progress being made on research for A-55 clean fuel. I would appreciate any information which you could provide for me regarding this fuel.

Please direct any inquiries and all relevant information to Allison Hiltz, in my Washington, D.C. office.

I appreciate your time and attention to this matter.

Sincerely,

MITCH/ McCONNELL

UNITED STATES SENATOR

MM/alh



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

JUN 17 1998

OFFICE OF RESEARCH AND DEVELOPMENT

Honorable Mitch McConnell United States Senate Washington, DC 20510

Dear Senator McConnell:

Thank you for your letter of May 15, addressed to Robert Hickmott, Director, Office of Congressional Liaison, regarding the progress on testing of the A-55 Clean Fuels conducted by the U.S. Environmental Protection Agency's (EPA), Office of Research and Development (ORD). Your letter has been referred to ORD for response.

A series of tests were conducted on two different A-55 Clean Fuels under EPA's Environmental Technology Verification (ETV) Program to evaluate the pollutant emissions and thermal efficiency characteristics of the A-55 Clean Fuels. The ETV program provides two outputs, a technical report and a verification statement.

Testing of the A-55 Clean Fuels was completed in November 1997, and an EPA report was published in April 1998. A verification statement providing a short synopsis of the testing and results for the A-55 Clean Fuels was signed on April 27, 1998, by E. Timothy Oppelt, Director, National Risk Management Research Laboratory. A copy of the verification statement and a copy of the test report, entitled, "Verification Testing of Emissions from the Combustion of A-55 Clean Fuels in a Firetube Boiler," are enclosed for your information.

If you or your constituent have any further questions on this issue, please contact Dr. Andy Miller, who was in charge of testing the A-55 Clean Fuels. He can be reached at (919) 541-2920.

Sincerely yours,

Henry L. Longest II

Acting Assistant Administrator

Enclosures (2)

KENTUCKY

A(-7801953 United States Senate

> WASHINGTON, DC 20510-1702 (202) 224-2541

AGRICULTURE
APPROPRIATIONS
JOINT COMMITTEE ON PRINTING
LABOR & HUMAN RESOURCES
RULES

July 9, 1998

Mr. Joseph Crapa
Associate Administrator
Office of Congressional Affairs and Intergovernmental Relations,
Environmental Protection Agency
Washington, D.C. 20460

Dear Mr. Crapa:

My office has received several inquiries regarding the implementation of the Food Quality Protection Act by your agency. I am requesting assistance in responding to the attached questions.

I am concerned about this important issue and I feel that it is necessary that my constituents concerns are addressed. These and other interested citizens have expressed disapproval over the agency's implementation process. Questions regarding the accuracy of scientific information that is being used are especially disconcerting. I am confident that you will assist me in gathering information that will inform these constituents about the current status of the FQPA.

Thank you for your kind assistance and I look forward to hearing from you in the near future.

Sincerely,

MITCH MCCONNELL

UNITED STATES SENATOR

MM/lbr

9 March 1998

98 MAR 13 P.1 2: 35

The Honorable McConnell U.S. Senate Washington, D.C. 20515/20510

Dear Senator McConnell

I am a Sales Representative for Dow AgroSciences, a U.S.-based global manufacturer of agricultural crop protection products. I am concerned about a matter that is currently under review by EPA that will dramatically affect the products that my company sells and the options that my customers have to protect their crops from weeds and pests.

In 1996, Congress passed the Food Quality Protection Act. This new law requires EPA to reassess more than 9,700 pesticide tolerances including all of the products that are critical to U.S. crop production. The EPA is currently reviewing the reassessment process and early indications are that the Agency is making overly conservative decisions based on insufficient information. As a result, we in the agricultural industry may lose valuable pesticides that would jeopardize U.S. farm production.

Such critical decisions should not be based on unrealistic assumptions that would alter the accuracy of reliable data. Rather, the EPA should base their decisions on actual pesticide use and require new, thorough investigations and data collection as specified under the law.

I respectfully request that you urge the EPA to base decisions on data generated by the most accurate scientific information available. Please ask them to establish and communicate uniform policies based on actual pesticide use to guide consistent implementation of the new law. The future of American agriculture is dependent on it.

Sincerely.

George Petty Jr

Exp. le

800-626-1510



22 th: 13 fill: 0:

KIMBERLY SNODDY
3918 GLENARM ROAD
CRESTWOOD, KENTUCKY 40014
502-241-6025
FAX: 502-241-6522

April 11, 1998

Senator Mitch McConnell Suite 361A Russell Senate Building Washington, D.C. 20510

Dear Senator McConnell,

Vice President The Food Quality Protection Act (FQPA) was passed by Congress in 1996. While FQPA contained so-called "minor use" provisions that were supported by National Nursery Products and by the American Nursery & Landscape Association, other provisions in the bill changed the way pesticides are scientifically evaluated for potential health effects. I am concerned that FQPA implementation could needlessly harm nursery and landscape businesses and American agriculture.

FQPA's requirements are strict, but achievable, so long as the Environmental Protection Agency uses sound science and real-world data. However, it appears that EPA may be using FQPA deadlines as an excuse to use unrealistic assumptions rather than real-world data in their risk assessments. Worst-case assumptions will result in overblown estimates of potential risk, and the needless-loss of pesticides that are critical tools to our industry.

Please contact the EPA and let it know that FQPA must be implemented as Congress intended – by basing decisions on real-world data, not worst-case assumptions, and requesting data from pesticide registrants where such data don't exist now. Please insist that EPA implement FQPA fully and fairly by making the decision process open and clearly communicating Agency intentions.

Thank you for supporting our business and the nursery and landscape industry in this critical matter.

Sincerely,

Kimberly Inoddy
Kimberly Spoddy

April 20, 1998

Johnny B. and Jan Bullock 2589 Plato Vanhook Rd. Somerset, KY 42503 Fax: (606) 274-4239

U.S. Senator Mitch McConnell 361A Russell Senate Office Building Washington, D.C. 20510

Dear Senator McConnell:

Improper implementation of the Food Quality Protection Act, FQPA, by the Environmental Protection Agency could result in unnecessary cancellation of key organophosphates used to control insects on fruits and vegetables and other crops.

Enacted on August 3, 1996, FQPA accomplishes many of Farm Bureau's key objectives relating to pesticide use and food safety, including repeal of the obsolete, zero-risk Delany clause which threatened cancellation of more than crop chemical registration.

Recent action by EPA indicates the agency's assurances may not be met and they are not living up to either the spirit and letter of the law or congressional intent.

- The new standard for safe chemical residues is being interpreted by EPA to be essentially the same as the zero-risk Delany clause.
- The extra margin of safety for infants and children has triggered denial of registrations for crop protection products without demonstrated health effects to children.
- When adequate data is not available, EPA is using worst case assumptions for risk assessment decisions.
- Implementation of FPQA has not followed normal administrative procedures for the
 rule making process. There has been little or no opportunity for notice and comment
 on proposed policy decisions.
- EPA has failed in its responsibility to expedite registrations of new crop protection compounds to replace those which may be lost.

Would you request the EPA to implement the law as Congress intended?

Jan and I would also like to thank you for you support of Farm Bureau polices. Also, thanks for the picture taken while we were in Washington for the Farm Bureau congressional tour.

Sincerely,

John and Jan Bullock Pulaski County Farm Bureau



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY WASHINGTON, D.C. 20460

AUG - 4 1998

OFFICE OF PREVENTION, PESTICIDES AND TOXIC SUBSTANCES

The Honorable Mitch McConnell United States Senate Washington, DC 20510

Dear Senator McConnell:

Thank you for your letter concerning the Environmental Protection Agency's (EPA) implementation of the Food Quality Protection Act (FQPA). FQPA contains a number of important and complex provisions. EPA is working to ensure that these provisions are implemented well in a timely manner to achieve the higher standards of protection, especially for children, while preserving the strength of our Nation's agriculture and its farm communities.

FQPA requires EPA to reassess all existing tolerances within ten years, with milestone deadlines every three years, to ensure that they meet FQPA's new standards. During the first three years, we are reviewing existing tolerances for two classes of insecticides, the organophosphates and the carbamates. At this time, we expect to be able to meet the ambitious schedule laid out in the statute. EPA actions will not result in the broad class of organophosphates being unavailable to farmers for the 1998 growing season. Furthermore, we do not expect that current uses of organophosphates will be canceled this growing season.

EPA recognizes that how we implement FQPA will have important and far reaching consequences. In an April 8 memorandum (copy enclosed), Vice President Gore outlined the principles that are essential to proper implementation of FQPA: use of sound science in all decisions; ensuring that the regulatory process is transparent; providing appropriate, reasonable transition mechanisms which reduce the risk associated with pesticide use without jeopardizing U.S. agriculture; and, consultation with interested constituencies. To ensure the continued commitment to these principles, the Vice President directed EPA to work together with the Department of Agriculture to ensure that implementation of FQPA is informed by a sound regulatory approach, by appropriate input from affected members of the public, and by due regard for the needs of our Nation's agricultural producers.

In their April 10 memorandum to the Vice President (copy enclosed), EPA Administrator Carol Browner and USDA Secretary Dan Glickman committed their support to these principles and to applying the approach of pairing strong public health standards with flexible implementation to meet the requirements of FQPA. The advisory group described in this memorandum has been established as the Tolerance Reassessment Advisory Committee (TRAC). EPA Deputy Administrator Fred Hansen and USDA Deputy Secretary Richard Rominger are chairing the TRAC. It includes affected user, producer, consumer, public health, environmental, and other interested groups. The advice and consultation from the TRAC will assist in establishing the framework for EPA's decisions on organophosphates, including discussion of how to properly document and communicate decisions, ways to improve the pace of registering newer and safer pesticides and new uses of existing pesticides that meet the FOPA standard, and methods to foster public input during the decision process. We expect that approaches pioneered by focusing on the organophosphates can be applied broadly to all of our work in implementing FQPA.

The challenge we all face is in establishing an orderly process that will allow us to meet the mandates and timetables of FQPA while ensuring that producers have access to the tools they need to ensure a wholesome, adequate, and safe food supply. Through this new advisory group. as well as through existing mechanisms, we will work with growers, USDA, the registrants, and the research community to ease this transition so that as older products leave the marketplace new methods are made available. We are especially mindful of the potential impacts on minor crop growers, and will continue to work with the growers and registrants to focus attention on those situations where limited crop protection alternatives exist.

Thank you again for your continuing interest in the implementation of this important new law. For your further information, I have enclosed a copy of our report "FQPA: Status of Implementation at the End of Fiscal Year 1997," which details Agency achievements in implementing FQPA.

Sincerely yours,

Lynn R. Goldman, M.D. Assistant Administrator

Ausen H Wayland

Enclosures

A(-9803087

United States Senate

WASHINGTON, DC 20510-1702 (202) 224-2541 COMMITTEES:
AGRICULTURE
APPROPRIATIONS
JOINT COMMITTEE ON PRINTING
LABOR & HUMAN RESOURCES
RULES

November 10, 1998

Mr. Robert Hickmott Environmental Protection Agency Director, Office Of Congressional Liaison 401 M Street SW Washington, D.C. 20460

Dear Mr. Hickmott:

I have recently been contacted by a constituent who is concerned about the Environmental Protection Agency's proposed regulation of a non-ozone depleting refrigerant, particularly, the effect of this regulation on automotive maintenance. I would greatly appreciate your review of his concerns.

Enclosed please find a copy of his correspondence. Please direct any inquiries and forward all relevant information to Allison Hiltz in my Washington, D.C. office.

Thank you for your time and consideration.

Sincerely,

MITCH McCONNELL

UNITED STATES SENATOR

MM/alh

Enclosure

TEAR HERE , FILL OUT AND RETURN TO STORE MANAGER . TEAR HERE . FILL OUT AND RETURN TO STORE MANAGER

Dear Member of Congress:

Bureaucrats at the Environmental Protection Agency (EPA) have proposed a regulation that would prohibit Americans from performing such routine automotive maintenance tasks as charging the refrigerant Mair conditioners.

First, the EPA banned a refrigerant that was accused of depleting one. Now, the EPA seeks to ban a non-ozone depleting substitute, despite the lack of etter Congressional authorization or scientificavidence to do so.

Forcing Americans to pay government-approved, technicians to perform routine maintenance not only infringes on my rights as a vehicle owner

- it could also triple the cost of maintenance! The regulation is unfair, unnecessary, and amounts to a hidden tax.

I respectfully request that you contact the EPA in opposition to this regulation. Please let me know your position on this matter.

Sincerely,



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

JEG 7 1993

OFFICE OF AIR AND RADIATION

The Honorable Mitch McConnell United States Senate Washington, D.C. 20510-1702

Dear Senator McConnell:

Thank you for your letter of November 10, 1998, relaying the concerns of your constituent, "graphic ;, regarding the proposed restriction on the sale of HFC-134a to anyone but certified technicians. Your letter was forwarded to me for a response.

The restriction that you mention is part of a proposed rule published on June 11, 1998, (63 FR 32044). This rule would extend the recycling requirements that are currently in place for ozone-depleting refrigerants to common substitute refrigerants. Ozone-depleting refrigerants include chlorofluorocarbons (CFCs) and hydrochlorofluorocarbons (HCFCs). Common substitutes for ozone-depleting refrigerants include hydrofluorocarbons (HFCs), including HFC-134a, and perfluorocarbons (PFCs). As stated in the proposed rule, the Environmental Protection Agency (EPA) believes that requiring certification of technicians who work with HFCs and PFCs is necessary to carry out section 608 of the Clean Air Act, which prohibits venting of ozone-depleting refrigerants and their substitutes.

In enacting section 608, Congress was concerned about minimizing the environmental harm associated with emissions of both ozone-depleting refrigerants and their substitutes. The regulations establishing the recycling program for ozone-depleting refrigerants require that technicians be certified and that sales of ozone-depleting refrigerants be limited to certified technicians. The goals of the technician certification and sales restriction requirements are to ensure that technicians understand how and why they should recover and recycle these refrigerants. In its proposed rule, EPA proposed to extend these requirements to HFC and PFC refrigerants because the EPA believes that consistent requirements for CFCs, HCFCs, HFCs, and PFCs are necessary both to minimize emissions of ozone-depleting refrigerants (as required under section 608(a)) and to implement the statutory prohibition on venting of substitute refrigerants (contained in section 608(c)).

EPA estimates that people who take their motor vehicle air conditioners to technicians to be recharged with HFC-134a will pay between \$50 and \$70 for this service, and that this service will be required every 5-6 years. People who wish to continue to recharge their own car air conditioners may also become certified themselves. (Certification costs between \$12 and \$20, and requires passage of a take-home test). Because anyone doing work on a car air conditioner is already subject to the venting prohibition, they will have to take the car to a technician to have the current refrigerant recovered (or purchase a refrigerant recovery device themselves), but they will then be able to perform the work and recharge the car air conditioner themselves.

The proposed rule, (see pp.32080-32083), is enclosed for your convenience. EPA is currently reviewing the comments received on the proposed rule, and will take Mr. concerns into account in drafting the final rule.

Thank you for your interest in this issue.

Sincerely,

Robert Perciasepe
Assistant Administrator

DOttinger:lly:6205J:564-9149:12\01\98:AL-9803087

MITCH McCONNELL KENTUCKY AL-9802364

WASHINGTON, DC 20510-1702 (202) 224-2541

United States Senate

COMMITTEES:
AGRICULTURE
APPROPRIATIONS
JOINT COMMITTEE ON PRINTING
LABOR & HUMAN RESOURCES
RULES

August 27, 1998

Ms. Carol M. Browner Administrator Environmental Protection Agency 401 M Street SW Washington, D.C. 20460

Dear Ms. Browner:

I have recently been contacted by a constituent who is interested in the Environmental Protection Agency's role in determining the environmental significance of electric and magnetic fields research. I would appreciate your review of her suggestions.

Enclosed please find a copy of the constituent's correspondence. Please direct any inquiries, and forward all relevant information to Allison Hiltz in my Washington D.C. office.

I appreciate your assistance in this matter.

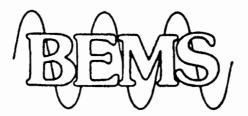
Sincerely,

MITCH McCONNELL

UNITED STATES SENATOR

MM/alh

Enclosure



July 10, 1998

Senator Mitch McConnell 771 Corporate Drive #530 Lexington, KY 40503

SUBJECT: Environmental Significance of Electric and Magnetic Fields Research

Dear Honorable McConnell:

As current and past presidents of the 700 member Bioelectromagnetics Society, we would like to thank the EPA for its support of bioelectromagnetics research, and to share a concern of our membership about the future of this research.

Over the last 20 years, a substantial body of data has indicated that electromagnetic fields may have biological effects which could have health implications over the long run. Because of the widespread exposure of the population to these fields, even mild effects could be serious from a public health perspective. Many detailed surveys of the research, including the NRC report in 1996, the WHO Research Agenda of 1998, and the recent RAPID study committee have agreed that additional investigation is needed. By the same token, the health risk of environmental electric and magnetic field exposure may ultimately be shown to be more serious than is presently perceived.

The termination of funding from the Department of Energy and the National Institutes of Health Rapid Program endangers continued progress in bioelectromagnetics research. However, this unfortunate termination of funding also presents an opportunity for EPA to reassert its role in support of basic research on bioelectromagnetic interaction mechanisms which is needed to determine possible risks associated with this environmental agent. We urge the EPA to commit to this research through a program of continuing extramural grants to promote high-quality research.

Thank you for considering our request.

Respectfully yours,

Betty F. Sisken, Ph.D.

Billy K. Siski

Center for Biomedical Engineering and Dept. of Anatomy and Neurobiology University of Kentucky, Lexington, KY

President of the Bioelectromagnetics Society

Martin Blank, Ph.D.

Martin Se

Dept. of Physiology and Cellular Biophysics Columbia University, New York, NY

Immediate Past-President of the Bioelectromagnetics Society

Intinodiate Last-I resident of the Dioelectromagnetics boolet



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

OFFICE OF RESEARCH AND DEVELOPMENT

OCT 14 1966

Senator Mitch McConnell United States Senate Washington, DC 20510-1702

Dear Senator McConnell:

Administrator Browner has conveyed your August 27, 1998, letter regarding electric and magnetic field research to my office for response. Your constituents, who are the authors of the letter you forwarded to the Agency, also wrote an identical letter directly to Administrator Browner. The enclosed letter is our reply to the constituents, Dr. Betty Sisken and Dr. Martin Blank.

Thank you for bringing to our attention the interests and concerns of the Bioelectromagnetics Society.

Sincerely yours,

Acting Assistant Administrator

Enclosure



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

OCT - 6 1998

OFFICE OF
RESEARCH AND DEVELOPMENT

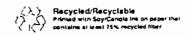
Dr. Betty F. Sisken, President The Bioelectromagnetics Society 7519 Ridge Road Frederick, MD 21702-3519

Dear Dr. Sisken:

Administrator Browner has conveyed the letter sent by you and Dr. Martin Blank on July 10, 1998 to my office for response. Please note that this response is intended for both you and Dr. Blank. In that letter you urged the EPA to commit to an extramural grants program to support basic research on bioelectromagnetic interaction mechanisms. Your letter was based on the concern of your Society's membership for termination of funding for bioelectromagnetics research by the Department of Energy (DOE) and the National Institute of Environmental Health Sciences (NIEHS) Research and Public Information Dissemination (RAPID) Program.

As you know, EPA has not funded Electromagnetic Fields (EMFs) research in several years. Our most recent funding (\$1,800,000) in this area involved a 1993 Interagency, Agreement with NIEHS. These funds supported a number of EMF research grants that were concurrent with the RAPID program.

A result of the 1995 reorganization of the Office of Research and Development was a substantial enhancement of our grants program called the Science to Achieve Results (STAR) Program and the emergence of a new process for targeting research areas, The STAR Program was established to encourage the scientific community to conduct research responsive to the environmental concerns of the nation. Although research on bioelectromagnetic interaction mechanisms related to environmental exposure to EMFs is not an explicit priority, the STAR Program through the Exploratory Grants Program does support investigator-initiated grants in broad areas of environmental health not supported through specific Request for Applications (RFAs). Investigators interested in bioelectromagnetics research may wish to submit research proposals to the Exploratory Grants Program. EPA is tentatively planning to release the next Exploratory Grants announcement in January 1999 depending on available resources. Specific information regarding how to submit an application to the Exploratory Grants Program and application deadlines can be found on our homepage at < www.epa.gov/ncerqa > in January 1999.



The DOE/NIEHS RAPID Program and other EMF research efforts, such as the 1993 EPA/NIEHS Interagency Agreement, have supported research that is being evaluated in the current effort by NIEHS to prepare a report to Congress, mandated by the Energy Policy Act of 1992, on the health effects of EMFs. As part of this effort, the NIEHS Working Group has published a report called "Assessment of Health Effects from Exposure to Power Line Frequency Electric and Magnetic Fields" (August 1998) that will be the subject of four public meetings during the period September 14 - October 5, 1998. The EMF RAPID Interagency Committee also must submit a report to Congress "stating the Committee's findings and conclusions on the effects, if any, of electric and magnetic fields on human health and remedial actions, if any, that may be needed to minimize any such health effects." These reports are expected to greatly influence the priority of future bioelectromagnetics research at the federal level, and we intend to follow closely the discussions surrounding these reports.

Thank you for bringing to our attention the interests and concerns of the Bioelectromagnetics Society.

Sincerely yours,

denry L. Longest I

Acting Assistant Administrator

MITCH McCONNELL KENTUCKY

A(-9802330

United States Senate

WASHINGTON, DC 20510-1702 (202) 224-2541 COMMITTEES:
AGRICULTURE
APPROPRIATIONS
JOINT COMMITTEE ON PRINTING
LABOR & HUMAN RESOURCES
RUI ES

August 26, 1998

Ms. Carol M. Browner Administrator Environmental Protection Agency 401 M Street SW Washington, D.C. 20460

Dear Ms. Browner:

I am writing on behalf of many constituents who have contacted me to express their concerns about the actions being taken by the Environmental Protection Agency (EPA) and the California Air Resources Board (CARB).

I have been informed that the EPA and the CARB are certifying new vehicles that contain anti-tampering devices that prohibit access to anyone not authorized by the manufacturer. I am concerned that these actions are having a negative effect on competition. Therefore, I would appreciate an explanation of these actions.

Please direct any inquiries and forward all relevant information to Allison Hiltz, in my Washington, D.C. office.

Thank you, in advance, for your assistance. I will look forward to your response.

Sincerely,

MITCH MCCONNELL

UNITED STATES SENATOR

MM/alh



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY WASHINGTON, D.C. 20460

SEP 2.5 1998

OFFICE OF

Honorable Mitch McConnell United States Senate Washington, DC 20510

Dear Senator McConnell:

Thank you for your letter of August 26, 1998, to Administrator Carol Browner, regarding your concerns over the Environmental Protection Agency's (EPA) On-board Diagnostics (OBD) program. I hope the following explanation adequately addresses your concerns.

You express concern about the access to electronic data within a vehicle's emissions control and diagnostic systems. More specifically, you express concern over the anti-tampering measures used by some auto manufacturers in their OBD systems. The OBD system is designed to monitor the vehicle's emission control system to ensure its proper operation. Because some forms of vehicle tampering could involve changes to the engine control computer software stored in the vehicle's computer, there can be considerable risks involved. These risks include inappropriate fueling strategies that may cause problems such as high engine revving, or accidental deactivation of anti-lock brakes or air bags. All of these could pose serious threats to occupant safety. Consequently, some auto manufacturers incorporate safety features on their vehicles to protect against software reprogramming. These safety features are not incorporated in response to any federal regulations. Originally, the regulations developed by the State of California did contain requirements for such anti-tampering measures; however, those requirements have recently been removed from California's regulations.

Additionally, as required by the Clean Air Act, EPA has in place service information availability regulations that require auto manufacturers to make available, to all independent repair shops, the exact same service information they provide their dealership repair shops. As a result, independent repair shops will be better equipped than ever before to repair vehicles, having access to the same information as the dealership repair shops.

Thank you for taking the time to express your concerns with our regulations. I hope that this letter has answered your questions. If there are additional questions, please feel free to contact us.

Sincerely.

Robert Perciasepe
Assistant Administrator

OMS:VPCD:H.Pugliese:2000 Traverwood (#34)%-14-4288:@ontrel No. AL-9802330
Recycled/Recyclable • Printed with Vegetable Oil Based Inks on Recycled Paper (Minimum 25% Postconsumer)

MITCH McCONNELL KENTUCKY AC-9803189

United States Senate

AGRICULTURE
APPROPRIATIONS
JOINT COMMITTEE ON PRINTING
LABOR & HUMAN RESOURCES
RULES

COMMITTEES:

WASHINGTON, DC 20510-1702 (202) 224-2541

December 2, 1998

Ms. Carol M. Browner Administrator Environmental Protection Agency 401 M Street SW Washington, D.C. 20460

Dear Ms. Browner:

Mr. PG' recently shared with me his concerns regarding the EPA's implementation of the Food Quality Protection Act.

I would appreciate your review of Mr. Blake's concerns. For your reference, please find enclosed a copy of Mr. FRFC correspondence.

Thank you for your consideration of this matter. I look forward to your reply.

Council

Sincerely,

MITCH McCONNELL

UNITED STATES SENATOR

MM/lbr

Enclosure

Author: Senator at McConnell-DC

Date: 11/12/98 6:34 PM

Priority: Normal TO: Allison Hiltz

Subject: Food Quality Protection Act

From:

Donnie Blake 10417 Long Holme Road Louisville, KY 40291

Dear Senator McConnell:

I am writing today to express my concern about the U.S. Environmental Protection Agency's implementation of the Food Quality Protection Act (FQPA).

As a structural pest control operator, I sometimes use pesticides to control harmful pests such as ants, cockroaches, rodents and termites in indoor environments like single-family homes, apartment, schools, commercial buildings and other locales. Unfortunately, I fear many of the products upon which I rely to control harmful and annoying pests will not be available in the near future because EPA is rushing to judgement and relying on poor data in its implementation of FQPA.

In the Agency's own words, it will not have data on indoor use of pesticides until late 2000. Nevertheless, it plans to begin making decisions regarding the use of products upon which I rely next summer. Make no mistake, these decisions will potentially impair my and other pest control operators' ability to control indoor pests. Please don't allow EPA to make these decisions using unreliable information.

I urge you to write EPA Administrator Carol Browner asking that the Agency hold off on rushing to judgement in its assessment of indoor pesticide uses until it has reliable and useful data upon which to base its decision instead of relying on exaggerated guesses.

I appreciate your time and attention and look forward to hearing your response.

Sincerely,



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY WASHINGTON, D.C. 20460

JAN - 5 1999

OFFICE OF PREVENTION, PESTICIDES AND TOXIC SUBSTANCES

The Honorable Mitch McConnell United States Senate Washington, D.C. 20510

Dear Senator McConnell:

Thank you for your letter on behalf of your constituents concerning the Environmental Protection Agency's (EPA) implementation of the Food Quality Protection Act (FQPA). EPA is working to ensure that the important and complex provisions of FQPA are implemented well in a timely manner to achieve high standards of protection, especially for children, while preserving the strength of our Nation's agriculture and maintaining viable pest control products for non-agricultural pesticide users.

FQPA requires EPA to reassess all existing tolerances within ten years, with milestone deadlines every three years, to ensure that they meet FQPA's new standards. The law requires the Agency to consider all routes of exposure and the cumulative effects of all pesticides which share a common mechanism of toxicity. Thus, while the primary concern of FQPA is food safety, tolerance reassessment could potentially affect both agricultural and non-agricultural uses of a pesticide. At this time, we expect to be able to meet the ambitious schedule laid out in the statute. An early focus of tolerance reassessment is on two classes of insecticides, the organophosphates and the carbamates.

EPA and the Department of Agriculture (USDA) recognize that how we implement FQPA will have important and far reaching consequences. For the last several months, EPA and USDA have been consulting closely with a new advisory group known as the Tolerance Reassessment Advisory Committee (TRAC), which includes affected user, producer, consumer, public health, environmental, and other interested groups. The five meetings of the TRAC held so far were chaired by EPA and USDA. The focus of the TRAC has been on implementing FQPA to ensure adherence to four key principles articulated by Vice President Al Gore. Those four principles are: using sound science in all decisions; ensuring that the regulatory process is transparent; providing appropriate, reasonable transition mechanisms which reduce the risk associated with pesticide use without jeopardizing U.S. agriculture; and, consulting with interested constituencies.

The TRAC has made significant progress, particularly in assisting the Agency on issues of consistency and transparency in the decision-making process. The Agency has started a process for refining preliminary risk assessments for organophosphates through a notice and comment procedure. So far, preliminary risk assessments of 16 organophosphates have been released for 60-day public comment periods. The remaining 24 organophosphates will be released as they are completed. These released risk assessments are available through the Office of Pesticide Programs' Docket (call 703-308-8004 for information) or can be viewed on EPA's website at http://www.epa.gov/pesticides/op.

Other important products of the TRAC include clear explanations of our decision-making process and risk assessment process. In addition, a draft framework for providing notice and comment on important science policy issues was released through the <u>Federal Register</u> on October 29, 1998. The science policy framework provides information on how EPA is making decisions on each issue while final policies and guidance are being developed. The development of these final policies and guidance will include opportunities for public comment as recommended by the TRAC. In addition, we will be seeking public involvement in risk management decision processes such as decision criteria and ways of making early decisions where appropriate.

Although significant progress has been made on many of the key issues, there remains a small set of issues to address more fully. Therefore, we believe that it is important to convene two additional TRAC meetings. These are tentatively scheduled for February and April of 1999. These meetings will provide opportunity for EPA and USDA to give a status report on FQPA implementation and to seek additional guidance from TRAC members.

The challenge we all face is in establishing an orderly process that will allow us to meet the mandates and timetables of FQPA while ensuring that pesticide users have access to the tools they need to ensure effective pest control. Through the TRAC, as well as through existing mechanisms, we will work with growers and other pesticide users, USDA, the registrants, public interest groups, and the research community to ease this transition so that as older products leave the marketplace new methods are made available. We are especially mindful of the potential impacts on minor uses, and will continue to work with pesticide users and registrants to focus attention on those situations where limited alternatives exist.

Thank you again for your interest in the implementation of this important new law. Should you have any questions please call me, or have your staff contact Peter Pagano, of the Office of Congressional and Intergovernmental Affairs, at 202-260-8346.

Sincerely yours,

Lynn R. Goldman, M.D.
Assistant Administrator

KENTUCKY

Hnited States Senate

COMMITTELS:
AGRICULTURE
APPROPRIATIONS
ENVIRONMENT AND PUBLIC WORK
RULES
ETHICS (CHAIRMAN)

WASHINGTON, DC 20510-1702 (202) 224-2541

March 11, 1997

Ms. Carol Browner
Administrator
The Environmental Protection Agency
Waterside Mall
401 M Street, SW
Washington, DC 20460

Dear Administrator Browner:

I am writing to express my concerns regarding the air quality standards proposed in the December 13, 1996, Federal Register pertaining to tighter clean air standards on ozone and particulate matter.

I agree that we should be working on solutions that will make our air cleaner and provide substantial health benefits. However, it is imperative that regulations are based on sound science. We must assess the validity as well as the cost-benefit of any additional restrictions imposed on our citizens to ensure these policies will, in fact, provide additional benefits. It is especially unsettling to me that the EPA refuses to release the formulas of how it arrived at its cost-benefit estimates.

It has come to my attention that the EPA did not follow its own Clean Air Scientific Advisory Committee's (CASAC) consensus on these regulations. The CASAC found that the new ozone standards would not be "significantly more protective of public health" than current standards, and only four of the twenty-one members of the CASAC supported the EPA proposals on particulate matter.

The fact remains that the air in Kentucky is cleaner than it was twenty years ago. We should build on this progress to continue air quality improvement without imposing new restrictive regulations based on incomplete science.

Thank you for your consideration of this matter.

Sincerely,

MITCH McCONNELL

UNITED STATES SENATOR

MM/dbh

FEDERAL BUILDING 241 MAIN STREET ROOM 102 BOWLING GREEN, KY 42101 (502) 781-1673 1885 Dixie Highway Surte 345 Fort Wright, KY 41011 (606) 578-0188 155 EAST MAIN STREET SUITE 210 LEXINGTON, KY 40507 (606) 252-1781 1501 SOUTH MAIN STREET SUITE N LONDON, KY 40741 (606) 864-2026 601 WEST BROADWAY SUITE 630 LOUISVILLE, KY 40202 (502) 682-6304 INVIN CORE BUILDING 608 BROADWAY PADUCAN, KY 42001 15021 413-4554

1-9700137



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY WASHINGTON, D.C. 20460

APR 7 1997

OFFICE OF AIR AND RADIATION

Honorable Mitch McConnell United States Senate Washington, DC 20510

Dear Senator McConnell:

Administrator Browner has asked me to respond to your letter of March 11, 1997. In your letter, you expressed concern about the proposed revisions to the national ambient air quality standards (NAAQS) for ozone (O₃) and particulate matter (PM).

As you know, the Clean Air Act (Act) requires the Environmental Protection Agency (EPA) to periodically review NAAQS to ensure that they are protective of human health and the environment. As part of this process, EPA has completed comprehensive assessments of the peer-reviewed scientific literature on the health and other (e.g., visibility, vegetation damage) problems associated with these pollutants. These assessments that carefully examine the strengths and limitations of the available science have been rigorously reviewed by the public, as well as by the Clean Air Scientific Advisory Committee (CASAC), an independent review panel mandated by Congress. The Committee concluded that these assessments provided an adequate scientific basis for the Administrator to make policy decisions on revisions to the existing standards at this time.

Based on the scientific information assessed in the criteria document and staff paper for O₃, the CASAC panel was in unanimous agreement that the present 1-hour standard should be eliminated and replaced with an 8-hour standard to focus on those exposures that are of most concern. The CASAC panel also endorsed the range of 8-hour average concentrations (0.07 to 0.09 parts per million (ppm)) that EPA recommended for consideration. Further, the CASAC panel recommended changing the form of the standard to one that allows for multiple exceedances. Thus, CASAC's evaluation of the scientific evidence is completely consistent with that of EPA, namely that all three major elements of the current O₃ standard should be revised, including the averaging time, the level, and the form.

In reaching a decision on the level and form for an 8-hour standard, EPA considered a number of complex public health factors. The quantitative assessments of exposure to levels of concerns and the risk of experiencing various effects of O₃ pollution indicated differences in public health protection among the various levels and forms considered, but they did not by

themselves provide a clear break point for a decision. The quantitative assessments do, however, indicate that hundreds of thousands of children not protected under the current standards would be protected under EPA's proposed standards.

In selecting the proposed level of the 8-hour standard, EPA paid particular attention to the health-based concerns reflected in the independent scientific advice and the advice of the human health professionals on the CASAC. Of the four human health experts on the CASAC panel, three favored a level of 0.08 ppm and the other favored a level of either 0.08 or 0.09 ppm. No panel members favored a standard level of 0.07 ppm; three others favored 0.09 ppm, and one favored 0.09 or 0.10 ppm together with new public health advisories when O₃ concentrations are at or above 0.07 ppm. Thus, the proposed level of 0.08 ppm reflects the lowest level recommended by individual CASAC members; it gives great weight to the recommendations of the human health experts on the CASAC panel; and it is the lowest level tested and shown to cause serious health effects in controlled human-exposure studies. Finally, air quality comparisons have indicated that meeting a 0.08 ppm, third highest concentration, 8-hour standard (as proposed by EPA) would also likely result in nearly all areas avoiding days with peak 8-hour concentrations above the upper end of the range (0.09 ppm) recommended in the staff paper and endorsed by CASAC.

With respect to PM, it is important to recognize that it was the consensus of CASAC that "Although our understanding of the health effects of PM is far from complete, the Staff Paper, when revised, will provide an adequate summary of our present understanding of the scientific basis for making regulatory decisions concerning PM standards." The extensive PM epidemiological data base provides evidence that serious adverse health effects (e.g., mortality, exacerbation of chronic disease, increased hospital admissions, respiratory symptoms, and pulmonary function decrements) in sensitive subpopulations (e.g., the elderly, individuals with cardiopulmonary disease, children) are attributable to PM at levels below the current standards. Although the increase in risk is relatively small for the most serious outcomes, it is significant from an overall public health perspective because of the large numbers of individuals in sensitive subpopulations that are exposed to ambient PM and the significance of the health effects. These considerations, as well as others discussed in the proposal notice and staff paper, such as the need to consider fine and coarse particles as distinct classes, led CASAC to conclude that revisions to the current standards are clearly appropriate and led the Administrator to propose revised standards. Nineteen of 21 members of the PM CASAC panel, including the Chairman, recommended the adoption of a new PM_{2.5} standard or standards.

Regarding the appropriate levels for PM_{2.5}, four panel members supported specific ranges or levels within or toward the lower end of the ranges recommended in the EPA staff paper (i.e., 24-hour standard of between 20 and 65 micrograms per cubic meter ($\mu g/m^3$) and an annual standard in the range of 12.5 to 20 $\mu g/m^3$); seven panel members recommended ranges or levels

near, at or above the ranges specified in the EPA staff paper, and eight other panel members declined to recommend a specific range or level. The EPA proposed, taking into account the form, PM_{2.5} standards in the lower to middle portion of the ranges or options discussed. The EPA also requested comment on alternative levels both more or less protective than the ones proposed in order to protect public health with an adequate margin of safety.

Under the Act and related case law, national ambient standards are set to protect public health and the environment and EPA cannot take costs into consideration in setting these standards. The EPA, however, is very concerned about the cost of meeting any new standards and is fully exploring more cost-effective and common sense implementation programs so that our industries can remain competitive. More specifically, EPA has established a Subcommittee of the Clean Air Act Advisory Committee comprised of representatives from industries including small businesses, State, local and small governmental agencies, environmental groups, and others. The purpose of the Subcommittee is to advise and make recommendations to EPA regarding the development of new strategies for implementing any new O₃ or PM standard that may be promulgated. As part of this effort, the Subcommittee is examining more cost-effective regional control strategies. Moreover, the Subcommittee and EPA will fully consider the progress made to date and take into account the emission reductions to be achieved when the 1990 Act amendments are fully implemented. During the course of developing such strategies, EPA will assess costs associated with any proposed strategies.

Finally, EPA has prepared Regulatory Impact Analyses (RIA) that assess the cost and benefits of the proposed O₃ and PM NAAQS when they are implemented by the States. The RIAs have been made available to the public for review and comment.

I appreciate this opportunity to be of service and trust that this information will be helpful to you.

Sincerely yours

Assistant Administrator

for Air and Radiation

A (-9701449

United States Senate

AGRICULTURE
APPROPRIATIONS
JOINT COMMITTEE ON PRINTING
LABOR & HUMAN RESOURCES
RULES

COMMITTEES

WASHINGTON, DC 20510-1702 (202) 224-2541

May 22, 1997

Mrs. Carol M. Browner Administrator Environmental Protection Agency 401 M Street SW. Washington, D.C. 20460

Administrator Browner:

I am forwarding a letter from Logan Thomas with Rogers Oil Company in Beattyville, Kentucky. Mr. Thomas is concerned about the proposed expansion of toxic release inventory reporting requirements and the cost of the inventory reporting.

I would appreciate a thorough review of Mr. Thomas' concerns. Thank you for your time and consideration.

Sincerely,

MINCH McCONNELL UNITED STATES SENATOR

MM/dso

Enclosure

6/2/97

CUSTOMERS. I CANNOT AFFORD TO WASTE \$8,000 ON FILLING OUT PAPERWORK TO LET SOMEONE KNOW I SELL PETROLEUM PRODUCTS. EVERYBODY IN THE COMMUNITY KNOWS THAT I DO AND EVERYONE IN THE COMMUNITY BUYS GASOLINE AND DIESEL.

THIS IS BUREAUCRACY RUN AMOK. I URGE YOU TO CONTACT VICE-PRESIDENT GORE AND LET HIM KNOW OF YOUR CONCERNS AND CERTAINLY THE CONCERNS OF SMALL BUSINESSES WHO WOULD HAVE TO COMPLY WITH THIS COSTLY AND UNNECESSARY PROGRAM.

I SINCERELY APPRECIATE YOUR CAREFUL REVIEW OF THESE ISSUES AND ANY ACTION YOU MAY BE ABLE TO TAKE ON MY BEHALF.

SINCERELY,

LOGAN THOMAS



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY WASHINGTON, D.C. 20460

JUN 1 3 1997

OFFICE OF PREVENTION, PESTICIDES AND TOXIC SUBSTANCES

The Honorable Mitch McConnell United States Senate Washington, DC 20510-1702

Dear Senator McConnell:

Thank you for your recent letter dated May 22nd to Environmental Protection Agency (EPA) Administrator Carol Browner on behalf of your constituent, Mr. Logan Thomas, regarding concerns about the impact of the TRI Industry Expansion Rule on petroleum marketers.

Administrator Browner has asked the Office of Prevention, Pesticides and Toxic Substances (OPPTS) to respond to your concerns.

On April 22, 1997, EPA Administrator Browner signed the TRI Industry Expansion rulemaking into effect. The seven additional industry groups that will be required to report are the following: metal mining, coal mining, electric utilities, commercial hazardous waste treatment, chemicals and allied products-wholesale, petroleum bulk plants and terminals-wholesale, and solvent recovery services. As part of the final rule, reporting for the facilities within these industry groups will be effective beginning with the 1998 reporting year, allowing for development of sector specific guidance as well as training sessions. The first reports from the added facilities must be submitted to EPA and to the designated State agency by July 1, 1999.

Facilities covered by TRI are required to report their releases, transfers and waste management activities associated with the toxic chemicals they manufacture, process or use. While communities may well be aware of the types of products being sold, in this case petroleum products, they are often unaware of the unintended releases to the community's air, land and water. It is this basic environmental data which the TRI program seeks to collect. Let me assure you that the Agency has seriously considered the potential impacts of this rulemaking, particularly the potential impacts on small businesses. EPA's extensive analysis of small business impacts has been amended as part of the final rulemaking. Based on the Agency's analysis, EPA is confident that it has not only considered the potential small business impacts, but has also taken steps to minimize those impacts in the final rulemaking to the greatest extent feasible. For instance, Mr. Thomas' facility may be eligible for the short-form reporting option

(TRI Form A), or may be eligible to report in ranges rather than making more precise calculations. In addition, his facility may be exempt from reporting to TRI altogether if there are fewer than 10 full-time employees, or the equivalent, or if the facility does not meet the established thresholds for manufacturing, processing, or otherwise using listed chemicals.

In the event that Mr. Thomas' facility is not exempt from reporting, section 313 of the Emergency Planning and Community Right-to-Know Act (EPCRA) states that facilities may use readily available data to report to TRI. There is no requirement that a detailed chemical analysis be performed, or that an engineer complete the form. Under the statute, no additional monitoring or measurement of quantities, concentrations or frequency of release of any listed chemical is required for the purpose of reporting to TRI. EPCRA does not require a facility to install new monitoring equipment or conduct additional sampling activities.

The Agency values your constituent's comments and concerns. As part of the TRI Facility Expansion Rulemaking, EPA plans to initiate an intensive stakeholder process to comprehensively evaluate the current reporting forms and reporting practices. The Agency is determined to provide all interested stakeholders the opportunity to contribute to the future redesign of the Form R and other TRI-related issues. The Agency hopes that the stakeholder process will allow for important dialogue on the issues surrounding improvement for the TRI program by all parties. EPA takes very seriously its mandates under the Community-Right-to-Know provisions in EPCRA and we believe that the stakeholder process will further the effectiveness of the program, rather than hinder its performance.

If you have any additional questions, please feel free to contact me.

Sincerely,

Lynn R. Goldman, M.D.
Assistant Administrator

1-9702953 Anited States Senate WASHINGTON, DC 20510-1702

(202) 224-2541

1 1 272 3 COMMITTEES: **AGRICULTURE APPROPRIATIONS** JOINT COMMITTEE ON PRINTING **LABOR & HUMAN RESOURCES**

November 18, 1997

Ms. Carol Browner Administrator **Environmental Protection Agency** 401 M Street, S.W. Washington, D.C. 20460

Dear Ms. Browner:

In the Conference Report to the VA/HUD and Independent Agencies bill for FY '98, Congress included funding to establish a Small Public Water System Technology Center at Western Kentucky University in Bowling Green, Kentucky, pursuant to authorization contained in the Safe Drinking Water Act Amendments of 1996.

Western Kentucky University has conducted extensive research in regional water treatment issues and has forged working relationships with several water treatment agencies. WKU has a faculty of well-qualified microbiologists, biochemists, aquatic ecologists, geologists and toxicologists with the latest technological facilities needed to sustain a strong and effective program. Because of strong working relationships with other bodies throughout the southeastern United States, WKU is well situated to fill a regional role in technology development and transfer to small public water systems in the 11 southeastern states. WKU also has experience with the administration of federal grants, and, in particular, has conducted water studies pursuant to EPA grants.

I invite the appropriate personnel from your Agency to meet with representatives from Western Kentucky University to discuss issues of program implementation and grant administration. The principles for this program at WKU have indicated their availability to meet with EPA representatives here in Washington, DC anytime during the week of December 1st or December 8th. I hope your staff can accommodate this request.

Thank you for your attention to this matter. If my office can be of further assistance in facilitating this meeting, please don't hesitate to contact Mr. Scott O'Malia, of my staff at (202) 224-2541.

Sincerely.

UNITED STATES SENATOR

1885 DIXIE HIGHWAY SLITE 345 FORT WRIGHT, KY 41011 (606) 578-0188

SUITE 530 LEXINGTON, KY 40503 (606) 224-8286

301 SOUTH MAIN STREET LONDON, KY 40741 (606) 864-2026

601 WEST BROADWAY SUITE 630 LOUISVILLE, KY 40202 (502) 582-6304

IRVIN COSS BUILDING 602 BROADWAY PADUCAH, KY 42001 (502) 442-4554

MITCH McCONNELL KENTUCKY

361-A RUSSELL SENATE OFFICE BUILDING WASHINGTON, DC 20510-1702 (202) 224-2541

AC-DYDDO(? United States Senate

MAJORITY WHIP

COMMITTEES: **AGRICULTURE**

APPROPRIATIONS SUBCOMMITTEE ON FOREIGN OPERATIONS

RULES AND ADMINISTRATION

December 19, 2003

Environmental Protection Agency 1200 Pennsylvania Avenue, NW Washington, D.C. 20460-0001

To Whom It May Concern:

I am writing on behalf of a constituent who has contacted me regarding the new ozone standards for 2004. I would appreciate your review and response to my constituent's concerns.

I have enclosed a copy of my constituent's correspondence, for your information. Please direct any inquiries and all relevant information to Pamela Simpson in my Washington, D.C. office.

Thank you for your time and assistance. I will look forward to receiving your response.

Sincerely,

MITCH McCONNELL UNITED STATES SENATOR

MM/PS

Gentlemen,

There is an article in the Louisville Courier-Journal today, 16 July 2003, that makes me very concerned how the EPA Standards will be applied in April 2004. The article states that ALL of Bullitt County will be in violation of the new ozone standards in 2004. In the past, only a sliver of Northern Bullitt County has came under the EPA regulations that have been applied for Jefferson County. I was very surprised to read that now all of Bullitt County will be considered to not be in noncompliance with the new standards in 2004. I live in the city of Lebanon Junction and placing stricter standards on new businesses trying to locate in the area or businesses wanting to expand will be a great disadvantage for the Lebanon Junction Community.

if you take a look at a map of Kentucky and observe how close other counties are to Jefferson County, you have to ask yourself why would southern Bullitt County be a violator and Northeast Hardin and Northwest Nelson Counties not be in violation. I don't mean to cause Hardin or Nelson Counties problems but it seems to me that the system that identified only a sliver of Bullitt and Oldham that has been used in the past should be used again for the 2004 standards.

With this letter I am asking for your help in getting the 2004 standards to apply ONLY in the areas where they are needed. Doing a broad bush approach on Bullitt and Oldham Counties does not seem needed or fair.

Thank you for your time and help,

Charles Newton Lebanon Junction City Council Member 274 Knobview Drive Lebanon Junction, KY 40150

10 Kentucky counties exceed new ozone limit



Jefferson is one of 10 Kentucky counties that would exceed federal standards under new ozone limits scheduled to take effect in April. Automobile exhaust is one of the major causes of ozone.

U.S. could require VET to continue

By JOSEPH GERTH |gerth@courier-journal.com The Courier-Journal

Ten counties in Kentucky and 21 in Indiana exceed new federal ozone limits and could face tough air pollution sanc-

Jefferson County, which met federal ozone standards for the first time in 2001, and four surrounding counties in Kentucky and Indiana will fall out of compliance when the stricter standards take effect in

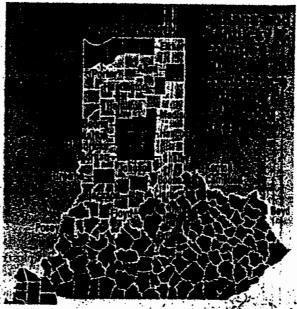
April.
That could prompt federal officials to block the Louisville Metro Air Pollution Control District's intention to eliminate vehicle-emissions testing, according to an Environmental Protection Agency official. Kay Prince, the chief of the

EPA's air planning branch in At-lanta, said yesterday that Louis-ville air officials would have to prove they could end the VET program and still make progress toward meeting the new federal standards.

"I just don't know if they can make that showing or not," she

Art Williams, director of the air pollution control district. said he is continuing with plans to shut down the VET program Oct. 31 and will soon request authority from the EPA to do so. The Kentucky General As-sembly voted in 2002 to stop emissions testing, arguing that the cost — \$11 per vehicle didn't justify the results.

Yesterday was the deadline See 10 COUNTIES Page 6, col. 1, this section



Sources: Kentrucky Matural Resources and Environmental Protection Cabinet and the Indiana Department of Environmental Management

BY STEVE DURBIN, THE COURIER-JOURNAL

10 counties in Kentucky exceed new U.S. ozone lim

Continued from Page One

for states to submit a list of counties that aren't in compliance with new ozone levels the Clinton administration enacted in 1997. A lengthy court battle chal-lenging the new rules delayed imple-

mentation until last year. Kentucky's and Indiana's noncompliance lists include five counties in the Louisville metro area - Jefferson, Oldham and Bullitt in Kentucky and Floyd and Clark in Indiana.

KENTUCKY IS recommending that all of Bullitt and Oldham counties be placed in violation of the new ozone standards - requiring restrictions that could curtail industrial development. Historically, a sliver of each county has been designated in "nonattainment.

Robert Flaherty, Bullitt County's deputy judge-executive, said he was surprised that his entire county would be included. Flaherty said he is worried that the designation might hurt the county as it tries to attract more and

higher-paying jobs.
Oldham Fiscal Court responded to the issue yesterday by forming a com-mittee to look into the matter and its impact on the county.

Prince said more suburban countles could be placed in noncompliance if it's determined that they play a significant role in contributing to the Louisville metro area's pollution problem. Louisville Metro Mayor Jerry

Abramson said the restrictions on new businesses will make it difficult to attract industry to the area. But he said it won't cripple the government's economic-development initiatives, since many of the jobs the city is pursuing don't affect pollution levels.

"We have an air-quality problem first and foremost it's a health problem but it's also a potential economic-de-velopment problem," he said.

Abramson called on business, gov-

ernment and residents to work together to cut down on ozone, which mixed with sunlight causes smog that can raise the risk of respiratory infection, inflame the lungs and aggravate respiratory diseases such as asthma.



BY KEITH WILLIAMS, THE COURIER-JOURNAL

Jefferson's Vehicle Emissions Testing sites are to be shut down Oct. 31.

OZONE AND SMOG

Ozone mixed with sunlight makes smog, which can make people more susceptible to respiratory infection, result in lung inflammation and aggravate respiratory diseases such as asthma.

The Environmental Protection Agency has tightened the ozone standard from 0.12 parts per million measured over a one-hour period to 0.08 parts per million measured over an eight-hour period.

THE COURIER-JOURNAL Wednesday-Louisville July 16, 2003 Pg. 3 Of ろ/

what happens the rest of this ozone sea-The EPA is still determining how it will enforce the tougher standards.

might come on the list - depending on

Kentucky's list of counties shows that the state's air has improved since it submitted its previous list in 2000, when the EPA first geared up to implement the new limits. That year, data showed that 18 Kentucky counties violated the federal limits for ozone, and 15 in Indi-

Brewer said some of Kentucky's improvement was brought on by millions of dollars spent on smokestack scrubbers that clean emissions. Other improvements have come because of atmospheric and meteorological conditions that have led to lower ozone readings, she said.

In Kentucky, nine counties that were on the initial list were dropped from this year's recommendation -- McCracken. Marshall, Henderson, Daviess, Hancock, Simpson, Scott, Fayette and

Greenup.

Johnson, Shelby, Floyd, Clark, Allen, Huntington, Jackson, Greene and Po-

Bell County, a small rural county in southeastern Kentucky, was deemed out of compliance for the first time. The air that hangs heavy over the city of Middlesboro, which was built on a divot in the mountains created by a prehistoric meteor strike, might be responsible for the high reading there, said Lona Brewer, manager for planning and ad-ministration for Kentucky's air quality agency

Currently, no Kentucky counties exceed the old smog limits. Lake and Porter counties in Northern Indiana are the only counties in that state that exceed

those same smog levels. Being declared in violation of federai ozone regulations could mean limits on new businesses and expansion of existing businesses. The federal government also reserves the right to withhold funding for new roads that could exacerbate pollution if states don't show significant improvement, Prince said.

In April, the EPA will make its final determination on which counties are in violation, taking into consideration air pollution readings for the rest of the summer. The states then must submit plans to the EPA within three years out-lining how they will bring nonattainment areas into compliance, according to the EPA."

year," said York. "There is the possibility some counties may come of (the list submitted to the federal government), Hendricks, Marion, Hancock, Morgan, and there are some on the bubble that

McCRACKEN COUNTY Judge-Executive Danny Orazine said he has no idea why his county showed improved air quality. He said the county did nothing to reduce smog levels since 2000 — but he was happy the stigma of being on the list has ended.

Daviess County Judge-Executive Reid Haire said his county has spent millions of dollars making its municipal power plant run cleaner and building

new roads to reduce congestion.
"We realized full well that not only were there health concerns, but it (high ozone levels) also has an impact where we couldn't hope to attract vital and vibrant businesses to our county," he said.

Since 2000, Indiana's number of counties in violation of the new limits increased from 15 to 21, according to the Indiana Department of Environmental

Management.

Indiana is asking that any sanctions be eased against Greene, Jackson and Huntington counties, which state officials say are "overwhelmed" by pollution generated elsewhere and carried to the counties by wind currents. It also has asked the EPA to hold off designating Posey County in violation of the new limits until new data are reviewed this .34...

Kathy Watson, branch chief in the office of air quality at the Indiana environmental agency, said no Indiana counties were dropped from the 2003 list.

E armanita

*This is a multifaceted issue that's going to take personal commitment, business and government to work on over the next period of time," said Abramson, who was in Washington, D.C., yesterday talking with Kentucky's

congressional delegation.

Three Kentucky counties outside Cincinnati and much of the Indianapolis and Gary metropolitan areas in Indiana also will be out of compliance with the federal regulations, according to the two states' environmental agencies.

"There's been a lot of progress made in terms of emissions the past few years and, generally speaking, the air is getting cleaner ... but these new regulations are designed to take us one level further," said Mark York, deputy secretary for Kentucky's Natural Resources and Environmental Protection Agency.

THE KENTUCKY counties on the list are Jefferson, Oldham, Bullitt, Kenton, Campbell, Boone, Christian, Boyd, Warren and Bell. The Indiana counties are Lake, Porter, LaPorte, St. Joseph, Elkhart, Boone, Hamilton, Madison, .

9 L K

名 · 李章



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

JAN 2 9 2004

OFFICE OF AIR AND RADIATION

The Honorable Mitch McConnell United States Senate Washington, DC 20510-1702

Dear Senator McConnell:

Thank you for your letter of December 19, 2003, in which you request that the Environmental Protection Agency (EPA) review and respond to the letter and newspaper articles of July 16, 2003, from Charles Newton of Lebanon Junction, Kentucky. Mr. Newton is concerned about the 8-hour ozone air quality standards in Bullitt and Oldham Counties.

As you are aware, breathing unhealthful levels of ozone can irritate the respiratory system, reduce lung function (making it more difficult to breathe), aggravate asthma, inflame and damage the lining of the lungs, and increase the risk of hospital admissions and doctor visits for respiratory problems. EPA sets national ambient air quality standards (NAAQS) to protect public health and welfare and establishes protective levels for the ozone standards. Mr. Newton's concerns about identifying nonattainment areas in the past is in reference to air quality designations EPA promulgated in 1991. Those designations related to the 1-hour ozone standard set by EPA in 1979. In 1991, EPA's final designation for the Louisville nonattainment area included the entire Counties of Clark and Floyd in Indiana, and in Kentucky, the entire county of Jefferson and parts of Bullitt and Oldham Counties. The area's air quality improved to the point where it met the 1-hour ozone NAAQS. EPA subsequently redesignated the area to attainment status for the 1-hour standard.

In 1997, EPA established a more protective 8-hour ozone standard based on a large body of new health studies. In our 1997 NAAQS rulemaking, we determined that the 1-hour standard was not adequate to protect public health, but rather that the 8-hour ozone standard was more appropriate. EPA plans to designate areas as attainment or nonattainment for the 8-hour standard in April 2004. Designations are based on the most recent 3 years of air quality data. Data for 2001 through 2003 show that ozone concentrations in the Louisville metropolitan area exceed the level established to protect the health and welfare of citizens living and working in the area.

In July 2003, the State of Kentucky recommended Bullitt, Jefferson, and Oldham Counties and the State of Indiana recommended Clark and Floyd Counties to be part of the 8-hour nonattainment area. EPA agrees that the recommendations are consistent with the Clean Air Act's definition of nonattainment, which is an area violating the standard or contributing to a violation of the standard in a nearby area. If the States provide additional information supporting a different conclusion by February 6, 2004, we will consider that information as we make final decisions on designations in April.

Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Diann Frantz, in EPA's Office of Congressional and Intergovernmental Relations, at (202) 564-3668.

Sincerely,

Jeffrey R. Holmstead

Assistant Administrator

MITCH McCONNELL KENTUCKY

361-A RUSSELL SENATE OFFICE BUILDING WASHINGTON, DC 20510-1702 (202) 224-2541

A(-040008 United States Senate

MAJORITY WHIP

COMMITTEES: **AGRICULTURE**

APPROPRIATIONS SUBCOMMITTEE ON FOREIGN OPERATIONS

RULES AND ADMINISTRATION

January 9, 2004

Mr. Edward Krenik Associate Administrator Congressional & Intergovernmental Relations **Environmental Protection Agency** 1200 Pennsylvania Avenue, NW Washington, D.C. 20460

Dear Mr. Krenik:

I am writing on behalf of a constituent who has contacted me regarding storm water management in Park Hills, Kentucky. I would appreciate your review and response to my constituent's concerns.

I have enclosed a copy of my constituent's correspondence, for your information. Please direct any inquiries and all relevant information to Pamela Simpson in my Washington, D.C. office.

Thank you for your time and assistance. I will look forward to receiving your response.

Sincerely,

MITCH McCONNELL

UNITED STATES SENATOR

MM/PS

03 OCT 17 PH 5: 50

SANITATION DISTRICT # 1 ATT. JEFFERY A. EGER GENERAL MANAGER

IT IS MY UNDERSTANDING, AFTER READING YOUR LETTER AND BROCHURE THAT THE, "STORM WATER MANAGEMENT PROGRAM", WAS MANDATED DUE TO EPA REGULATIONS. YOUR INFORMATION ALSO INDICATES THAT NO FEDERAL OR STATE FUNDING IS AVAILABLE AND THE RESIDENTS AND BUSINESSES OF THE AREA INVOLVED MUST ABSORB ALL COSTS.

IF THE FEDERAL AND STATE GOVERNMENTS FEEL "STORM WATER MANAGEMENT" IS SUCH AN URGENT AND BENEFICIAL PROGRAM, THEN OUR LEGISLATORS NEED TO ACT AND AT LEAST PROVIDE MATCHING FUNDS. EVERY STATE WOULD BENEFIT, ALL THE WAY TO THE GULF OF MEXICO.

THE FEDERAL GOVERNMENT SURE SHOVED THIS MANDATE DOWN THE TAX PAYER'S THROAT. TO ME, THIS IS TAXATION WITHOUT REPRESENTATION, WHICH IS OUT AND OUT, "TYRANY".

WHEN WE RECEIVED OUR BILL, FOR OUR RESIDENCE AND, I NOTICED THAT STATE SALES WAS APPLIED. I CALLED YOUR FT. WRIGHT OFFICE AND SPOKE WITH BONNIE. AFTER OUR CONVERSATION, SHE SAID THE STATE TAX APPLIED WAS IN ERROR, AS THE BILL CLEARLY SHOWS, "STORMWATER RESIDENTIAL". SHE SAID TO DELETE THE TAX, AND JUST PAY THE \$11.24.

IN TALKING TO OTHERS, I FIND THIS SAME ERROR HAD OCCURRED ON OTHER HOME OWNER'S BILLS. ARE YOU FOLKS GOING TO REVIEW ALL OF YOUR RESIDENTIAL BILLS FOR ACCURACY? PLEASE LET ME KNOW.

I THEN ASKED BONNIE WHY ANOTHER BILL WE RECEIVED FOR "STORMWATER COMMERCIAL" HAD STATE SALES TAX APPLIED. SHE SAID THAT ALL COMMERCIAL PROPERTY IS SUBJECT TO THE STATE SALES TAX. SHE WAS UNABLE TO EXPLAIN THE DIFFERENCE OR WHY. PLEASE GIVE ME THE REASONS AND EXPLAIN THE DIFFERENCE AS TO WHY ONE IS TAXED AND THE OTHER IS NOT.

WE RESIDE IN PARK HILLS KY. OUR CITY HAS A VERY LIMITED AND ALSO INADAQUATE STORM WATER SEWERS. MOST ALL, EXCEPT THE MOST RECENT INSTALLATIONS, EMPTY DIRECTLY INTO THE SANATORY SEWER SYSTEM. AS I UNDERSTAND IT, EVEN THESE NEW INSTALLATION FEED INTO THE COVINGTON SEWER SYSTEM WHICH FOR THE MOST PART IS JUST ONE SANITARY SYSTEM WITH NO SEPERATION OF STORM WATER. MOST ALL RESIDENCES IN PARK HILLS WERE SET UP TO DRAIN THEIR ROOF, DRIVE WAY WATER ETC., DIRECTLY INTO THE SANITARY SEWER SYSTEM.

SOMETIME IN THE NEAR OR DISTANT FUTURE, ARE THE HOME OWNERS GOING TO HAVE TO SEPARATE THIS WATER AND LAY NEW PLUMBING FROM THEIR RESIDENDCE TO A NEWLY INSTALLED STORM WATER PIPE OUT AT THE STREET? PLEASE LET ME HAVE YOUR ANSWER.

OUR RESIDENCE HAS A WATER PROBLEM, AS WE GET THE RUN OFF, ONTO OUR PROPERTY, FROM MOST OF TWO STREETS, CORAM AND HARRIETT, AND THE OTHER PROPERTY AND AJACENT LAND. THERE IS ONE CATCH BASIN AT THE CORNER OF HARRIETT AND CORAM. IT IS INOPERATIVE WITH BROKEN CLAY TILE PIPE. THE CITY AND SANITATION FOLKS TRIED TO REPAIR IT AND FINALLY GAVE UP. SO FAR THE CITY HAS SURVRYED THE SITUATION AND TOLD ME THEY CANNOT AFFORD THE CORRECTIONS NEEDED.

MY THOUGHTS ARE, THAT THE COMPLIANCE MANDATED BY THE EPA WILL TAKE MANY, MANY, AND PERHAPS 30 OR 40 YEARS TO COMPLETE. WHY NOT JUST RUN ALL THE WATER THROUGH A TREATMENT PLANT. IF NEED BE, JUST ENLARGE THEM OR ADD OTHERS. I THINK IT WOULD BE A MORE COST EFFECTIVE SOLUTION.

I AM PAYING THIS BILL UNDER PROTEST. I DO NOT MIND PAYING FOR A SERVICE OR BENEFIT. CURRENTLY I AM RECEIVING NEITHER. IF PARK HILLS CORRECTS MY WATER PROBLEMS, THEN I WILL GLADLY PAY FOR THE SERIVCE AND BENEFIT.

SUPPOSEDLY, PARK HILLS IS SURVEYING THE CITY TO FIND WHERE THE GREATEST PROBLEMS EXIST AND THEN ASK FOR MONEY FROM THE FUND IN ORDER TO PROCEED WITH STORM WATER FLOODING CORRECTIONS.

AN EARLY REPLY, BY MAIL, TO MY QUESTIONS WILL BE APPRECIATED. I DO NOT HAVE WEB SITE ACCESS READILY AVAILABLE. I DO HAVE A SIMPLE. BASIC E-MAIL PROGRAM.

SINCERELY,

Exp.6

CC: MAYOR, MICHAEL J. HELLMANN
U.S.SENATOR, JAMES BUNNING
U.S.SENATOR, MITCH Mc CONNELL
U.S.REPRESENTATIVE, KEN LUCAS
STATE SENATOR, RICHARD L. ROEDING
STATE SENATOR, JACK WESTWOOD
STATE REPRESENTATIVE, JON DRUID
STATE REPRESENTATIVE, THOMAS KERR



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

FEB 1 7 2004

Honorable Mitch McConnell United States Senate Washington, DC 20510-1702

Dear Senator McConnell:

Thank you for your January 9, 2004, letter on behalf of and concerning the storm water management program and taxes being imposed in Park Hills, Kentucky.

The National Pollutant Discharge Elimination System (NPDES) program is delegated to the Commonwealth of Kentucky including the responsibility of the storm water portion of the NPDES program. However, the Park Hills area lies within a Small Municipal Separate Storm Sewer System (SMS4) covered under Phase II of the storm water regulations. Thus, the municipality or storm water utility administers the storm water management program on a local level. In order to administer the program, the local sanitation district may pass ordinances which require the collection of fees or taxes in an effort to maintain, improve, and/or repair the storm water collection system. EPA does not direct local authorities in the collection of fees to administer the storm water management program.

If you or your staff would like more details regarding any specifics of the issues outlined in Mr. Fig. 4. letter, please contact:

Jeffrey Eger General Manager, Sanitation District #1 1045 Eaton Drive Fort Wright, KY 41017 (859) 578-7450

If you have questions or need additional information from EPA, please contact me or the Region 4 Office of Congressional and Intergovernmental Relations at (404) 562-8327.

Sincerely,

J. I. Palmer, Jr.

Regional Administrator

cc: Bruce Scott, Kentucky DOW
Jeffrey Eger, Kentucky Sanitation District

MITCH McCONNELL KENTUCKY

361-A RUSSELL SENATE OFFICE BUILDING WASHINGTON, DC 20510-1702 (202) 224-2541

A(-0400099 United States Senate

MAJORITY WHIP COMMITTEES: **AGRICULTURE**

APPROPRIATIONS SUBCOMMITTEE ON FOREIGN OPERATIONS

RULES AND ADMINISTRATION

January 9, 2004

Mr. Edward Krenik Associate Administrator Congressional & Intergovernmental Relations **Environmental Protection Agency** 1200 Pennsylvania Avenue, NW Washington, D.C. 20460

Dear Mr. Krenik:

I am writing on behalf of a constituent who has contacted me regarding a law to require renters to pay twice for their water usage.. I would appreciate your review and response to my constituent's concerns.

I have enclosed a copy of my constituent's correspondence, for your information. Please direct any inquiries and all relevant information to Pamela Simpson in my Washington, D.C. office.

Thank you for your time and assistance. I will look forward to receiving your response.

Sincerely,

MITCH McCONNELL

UNITED STATES SENATOR

MM/PS

e);

Subject:

типтошувноо.com EPA plan to force individual apartment renters to pay twice for their water usage.

The EPA is trying to enact a law requiring all apartment renters (35 million) to pay twice for their water usage. The apartment renters are already paying for their water usage in their monthly rent payment. Enacting this law would place an additional cost on apartment dwellers who already are among the lowest wage earners in the country. I understand water conservation is important, but apartment dwellers should not have to pay twice. Please stop this law from being enacted until something more equitable can be worked out. Apartment renters are already being discriminated against by not being allowed any tax deduction as are property owners.

Sincerely,

Do you Yahoo!?

The New Yahoo! Shopping - with improved product search http://shopping.yahoo.com



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

FEB 2 0 2004

OFFICE OF

The Honorable Mitch McConnell United States Senate Washington, DC 20510

Dear Senator McConnell:

Thank you for your letter of January 9, 2004, forwarding the correspondence from your constituent, fight , regarding submetering. Mr. Exple expressed concern that the Environmental Protection Agency (EPA) is trying to enact a law requiring all apartment renters to pay twice for their water usage.

EPA's revised policy does not require apartment owners to install submeters, and no law requiring this has been enacted. EPA's interpretation of its policy regarding the applicability of the Safe Drinking Water Act (SDWA) to submetered properties was changed to ensure that property owners who choose to install submeters and bill tenants for their actual water consumption will no longer be treated as public water systems subject to the full regulatory requirements of the SDWA. Tenants who live in submetered buildings will receive a separate bill outlining their personal water usage. This bill will be based on actual water usage giving the tenants greater control over their water bill. Renters who practice water conservation could actually see their water bills fully as a result of submetering.

Water efficiency is one of EPA's four pillars of its strategy to make the nation's water infrastructure sustainable. Studies have shown that consumers use less water if they are billed based on consumption, rather than on a flat rate. Americans can save substantial amounts of water through water efficiency programs. Helping to make Americans aware of their actual water use, and its cost, is one of the steps to conserve water and produce environmental benefits.

EPA published the final revised policy in the Federal Register on December 23, 2003 (68 FR 74233). Previously, EPA published a proposed policy memo in the Federal Register on August 28, 2003 (68 FR 51777) and solicited public comments for 60 days. We received comments from a variety of stakeholders including State, county and local governments, apartment building owners and associations, utility companies, housing associations, and concerned citizens. Generally, commenters strongly supported the proposed policy change and agreed that submetering promotes water conservation. For more information regarding comments received on the proposed policy memo, please view Docket OW-2003-0065 at http://www.epa.gov/docket.

I hope this letter addresses your constituent's concerns. If you have any further questions, please contact me, or have your staff call Steven Kinberg, Office of Congressional and Intergovernmental Relations, at (202) 564-5037.

Sincerely,

Benjamin H. Grumbles

Acting Assistant Administrator

MITCH McCONNELL

361-A Russell Senate Office Building Washington, DC 20510-1702 (202) 224-2541 AC-0400103

United States Senate

MAJORITY WHIP COMMITTEES:

AGRICULTURE

APPROPRIATIONS
SUBCOMMITTEE ON FOREIGN OPERATIONS

RULES AND ADMINISTRATION

January 15, 2004

Mr. Edward Krenik Associate Administrator Congressional & Intergovernmental Relations Environmental Protection Agency 1200 Pennsylvania Avenue, NW Washington, D.C. 20460

Dear Mr. Krenik:

I am writing on behalf of a constituent who has contacted me regarding the possibility that chemicals may have blown over his place of employment, the Shawnee Steam Plant. This plant is located next to the uranium enrichment plant in Paducah, Kentucky.

I would appreciate your review and response to my constituent's concerns. Please direct any inquiries and all relevant information to Pamela Simpson in my Washington, D.C. office.

Thank you for your time and assistance. I will look forward to receiving your response.

Sincerely,

MITCH McCONNELL UNITED STATES SENATOR

MM/PS



05:31pm

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

FEB 2 7 2004

The Honorable Mitch McConnell United States Senate Washington, DC 20510-1702

Dear Senator McConnell:

Thank you for your January 15, 2004, letter on behalf of Mr. a former Tennessee Valley Authority employee at the Shawnee Steam Plant, concerning the possibility of exposure to chemicals while delivering coal to the Department of Energy (DOE) uranium enrichment plant in Paducah, Kentucky from 1960 through 1990.

On February 18, 2004, members of my staff contacted Mr. 1 to determine if the Environmental Protection Agency (EPA) could provide assistance. At that time, Mr. informed my staff that he applied for financial assistance under the DOE compensation plan for workers suffering from deleterious health effects due to exposure to chemicals used at the Paducah Plant, but was turned down. Based on this information, EPA does not have the authority to act on behalf of Mr. Aprile since his concern lies outside the Agency's regulatory jurisdiction. We recommend that he contact Ms. Laura Schachter, DOE Public Affairs Specialist, at (859) 219-4010 to address his concern.

If you have questions or need additional information from EPA, please contact me or the Region 4 Office of Congressional and Intergovernmental Relations at (404) 562-8327.

Sincerely,

J. I. Palmer, Jr. Regional Administrator MITCH McCONNELL

361-A RUSSELL SENATE OFFICE BUILDING WASHINGTON, DC 20510-1702 (202) 224-2541 Hnited States Senate

MAJORITY WHIP

AGRICULTURE

APPROPRIATIONS
SUBCOMMITTEE ON FOREIGN OPERATIONS

RULES AND ADMINISTRATION

March 25, 2004

The Honorable Mike Leavitt Administrator Environmental Protection Agency 1200 Pennsylvania Avenue, N.W. Washington, D.C. 20460-0001

Dear Adminstrator Leavitt:

I am writing on behalf of a constituent who has contacted me regarding his desire to establish a leather apparel manufacturing company in Eastern Kentucky that would comply with current regulations set by the EPA. I would appreciate your review and response to my constituent's concerns.

I have enclosed a copy of my constituent's correspondence, for your information. Please direct any inquiries and all relevant information to Pamela Simpson in my Washington, D.C. office.

Thank you for your time and assistance. I will look forward to receiving your response.

Sincerely,

MITCH McCONNELL

UNITED STATES SENATOR

MM/PS

From:

Exple

Sent:

Monday, March 15, 2004 12:16 PM

To:

talk2hal@mail.house.gov

Cc:

senator@mcconnell.senator.gov

Subject: leather manufacturing goods opportunity

Dear Senator and Congressman:

I am blind co'ing Chris Ratliff on this memo.

As I type, I am incorporating a small leather apparel manufacturing company located in Johnson County which will be up and running by mid April 2003.

I am joint venturing with one of the nations oldest leather company's that was established in 1863 which will manufacture non-apparel product for my line offering.

I have spoken with and met with the company president and explained in brief detail that East Kentucky does have special economic development incentive packages for companies that are willing to relocate here. I also explained that payroll reimbursement funds are available for low income participants and

welfare to work training programs as well.

At this point, the President of the company is very open to discussion of relocating the manufacturing facility to Eastern Kentucky. However, this industry is a dying domestic industry. Tanneries that used to dot our nations map are now forced out due to foreign competition and demanding E.P.A. standards. In order to keep our domestic national sovereign economic interest, part of the incentive package should include funding to build an E.P.A. / Environment friendly, state of the art tannery here in Eastern Kentucky.

As we all know, Kentucky ranks 8th. in the nation in beef and cattle production which results in the majority of the cowhide leaving the state and nation for tanning that is outsourced abroad.

I am an advocate of *domestic job in sourcing* especially when it comes to keeping our jobs here in the United States and more importantly relocating jobs to Eastern Kentucky.

Therefore, I have contacted Stephanie Dorton the Point Person at Big Sandy Add, and, local County Judge Executives, to offer up this opportunity to recruit a substantial future employer, that if assisted with building a tannery, would be good for our state economics by keeping a large number of cowhide here in the state to be tanned at state of the art, E.P.A. friendly / Environment friendly tannery, thus creating *new jobs* to work at the tannery.

This vision concept if embraced, is not only good for East Kentucky, but good for our home state as well as being a business model *(job in sourcing)* for the nation.

I look forward to hearing from each of you soon.

Best Wishes

Your Republican Friend in Johnson County,

Do you Yahoo!?

Yahool Mail - More reliable, more storage, less spam



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

APR 2 8 2004

The Honorable Mitch McConnell United States Senate Washington, DC 20510

Dear Senator McConnell:

Thank you for your letter dated March 25, 2004, on behalf of Mr. VV regarding the relocation of a leather apparel manufacturing company in Eastern Kentucky.

I would like to commend Mr. on his desire to build a state of the art tannery that is environmentally friendly. The EPA has identified leather finishing operations as major sources of emissions of hazardous air pollutants (HAPs), such as glycol ethers, toluene, and xylene, and on February 27, 2002, promulgated the National Emission Standards for Hazardous Air Pollutants for Leather Finishing Operations. We estimate the rule will reduce nationwide emissions of HAPs from leather finishing operations by 375 tons per year. In addition, the rule is expected to reduce non-HAP emissions of volatile organic compounds by 750 tons per year. The emissions reductions achieved by this rule, when combined with the emissions reductions achieved by other similar standards, will provide protection to the public and achieve a primary goal of the Clean Air Act. A summary of the final rule is enclosed.

The EPA welcomes the opportunity to partner with Kentucky's Environmental & Public Protection Cabinet to offer assistance in meeting the stated goal of building an environmental friendly, state of the art tannery in Eastern Kentucky.

If you have questions or need additional information from EPA, please contact me or the Region 4 Office of Congressional and Intergovernmental Relations at (404) 562-8327.

Sincerely,

J. I. Palmer, Jr.

Regional Administrator

Enclosure

cc: LaJuana S. Wilcher, Secretary, KY EPPC



U.S. Environmental Protection Agency

Technology Transfer Network Air Toxics Website

Contact Us | Print Version Search:

GO

EPA Home > Technology Transfer Network > Air Toxics Website > Federal Register

Rules & Implementation

National Scale Air Toxics Assessment

Risk Studies

Education & Outreach

About Air Toxics

Pollutants & Sources

State, Local, Tribal Resources

Publications

Contacts

Technical Resources

ATW Home

TTN Home

Federal Register

[Federal Register: February 27, 2002 (Volume 67, Number 39)]

[Rules and Regulations]

[Page 9155-9172]

From the Federal Register Online via GPO Access [wais.access.gpo.gov]

[DOCID: fr27fe02-21]

[[Page 9155]]

Part VII

Environmental Protection Agency

40 CFR Part 63

National Emission Standards for Hazardous Air Pollutants for Leather Finishing Operations; Final Rule

[[Page 9156]]

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 63

[FRL-7147-8]

RIN 2060-AH17

National Emission Standards for Hazardous Air Pollutants for Leather Finishing Operations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This action promulgates national emission standards for hazardous air pollutants (NESHAP) for leather finishing operations. The EPA has identified these facilities as major sources of emissions of hazardous air pollutants (HAP), such as glycol ethers, toluene, and xylene. These NESHAP will implement section 112(d) of the Clean Air Act (CAA) by requiring all leather finishing operations that are major sources to meet HAP emission standards reflecting the application of the maximum achievable control technology (MACT). We estimate the final NESHAP will reduce nationwide emissions of HAP from leather finishing operations by 375 tons per year (tpy). In addition, the final NESHAP will reduce non-HAP emissions of volatile organic compounds (VOC) by 750 tpy. The emissions reductions achieved by these final NESHAP, when combined with the emissions reductions achieved by other similar standards, will provide protection to the public and achieve a primary goal of the CAA.

EFFECTIVE DATE: The effective date is February 27, 2002. The incorporation by reference of certain publications listed in the regulation is approved by the Director of the Federal Register as of February 27, 2002.

ADDRESSES: Docket. Docket No. A-99-38 contains the information considered by EPA in developing the NESHAP. This docket is located at the U.S. EPA, Air and Radiation Docket and Information Center (Mail Code 6102), 401 M Street, SW, Room M-1500, Waterside Mall, Washington, DC 20460. The docket may be inspected from 8:30 a.m. to 5:30 p.m., Monday through Friday, excluding legal holidays.

FOR FURTHER INFORMATION CONTACT: For information concerning applicability and rule determinations, contact the appropriate State or local agency representative. If no State or local representative is available, contact the EPA Regional Office staff listed in Sec. 63.13. For information concerning the analyses performed in developing these NESHAP, contact Mr. William Schrock, Organic Chemicals Group, Emission Standards Division, (MD-13), U.S. EPA, Research Triangle Park, North Carolina 27711; telephone number (919) 541-5032; facsimile number (919) 541-3470; electronic mail address: schrock.bill@epa.gov.

EPA Home | Privacy and Security Notice | Contact Us

Last updated on Friday, June 14th, 2002 URL: http://www.epa.gov/tm/atw/leather/fr27fesu.html MITCH McCONNELL KENTUCKY

361-A RUSSELL SENATE OFFICE BUILDING WASHINGTON, DC 20510-1702 (202) 224-2541

AC-DYDO653 United States Senate

MAJORITY WHIP

COMMITTEES: **AGRICULTURE**

APPROPRIATIONS

SUBCOMMITTEE ON FOREIGN OPERATIONS
CHAIRMAN

RULES AND ADMINISTRATION

April 28, 2004

Mr. Edward Krenik Associate Administrator Congressional & Intergovernmental Relations **Environmental Protection Agency** 1200 Pennsylvania Avenue, NW Washington, D.C. 20460

Dear Mr. Krenik:

I am writing on behalf of a constituent who has contacted me regarding the storm water utility fee paid by the citizens of Radcliff, Kentucky. I would appreciate your review and response to my constituent's concerns.

I have enclosed a copy of my constituent's correspondence, for your information. Please direct any inquiries and all relevant information to Pam Simpson in my Washington, D.C. office.

Thank you for your time and assistance. I will look forward to receiving your response.

Sincerely,

MITCH McCONNELL

UNITED STATES SENATOR

MM/PS

From:

EXDLE

Sent:

Tuesday, April 27, 2004 7:15 PM

To:

Mcconnell, Senator (McConnell)

Subject: Storm water utility fee questions

Dear Sen. Mitch McConnell,

Several months ago the City of Radcliff imposed a storm water utility fee on the citizens of Radcliff telling us it was required by the federal government. The residence pay \$4.50 per month based on 2800 square feet of drainage. Business and churches also pay big time. Now since it is election time we are being told by others that it was not a requirement and even if we wanted it we could have gotten it a lot cheaper. I am campaigning for three people. I would like to see on the city council and election time is May the 18th. My question is, and we know the importance of the Fee, but was it a rigid order that we had to accept this fee or was it more of a request? How many other cities in Kentucky have this fee? All our untrusted council tells us is several cities have it but they don't tell us which cities have it. I would appreciate any info you can give me on this important matter as I told my group I was going to e-mail you and try and get some straight answers. Thank you very much



04:05pm

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

MAY 1 3 2004

The Honorable Mitch McConnell United States Senate Washington, D.C. 20510-1702

Dear Senator McConnell:

Thank you for your April 28, 2004, letter on behalf of Mr , regarding the City of Radcliff proposing to impose a storm water utility fee on residential homes.

Storm water runoff from land modified by human activity can harm surface water by changing natural hydrologic patterns, accelerating natural streams flows, and elevating pollutant loadings and concentrations to nearby waterways. Over the last 25 years, documentation has provided information that runoff contains high levels of contaminants such as sediment, heavy metals, pathogens, and toxins, just to name a few. In 1990, under the Clean Water Act, the United States Environmental Protection Agency (EPA) developed regulations consisting of a two-part, phased approach to address polluted runoff under the National Pollutant Discharge Elimination System (NPDES) program.

Under the NPDES program, the Phase II regulations provide for small municipalities to develop comprehensive storm water management pollution prevention plans to control pollution caused by urban runoff. The City of Radcliff was identified in the NPDES regulations (December 8, 1999) as a small municipality needing to comply with the Phase II storm water regulations, which became effective as of March 10, 2003.

The Commonwealth of Kentucky's Department of Water has been authorized by EPA to implement the NPDES program, which includes issuing permits for storm water discharges. In addition, the storm water Phase II rule is the next step in EPA's effort to preserve, protect, and improve the Nation's water resources from polluted storm water runoff. The Phase II program requires additional operators of municipal separate storm sewer systems in urbanized areas, through the use of NPDES permits, to implement programs and practices to control polluted storm water runoff. Phase II is also intended to further reduce adverse impacts to water quality and aquatic habitat by instituting the use of controls on the unregulated source of storm water discharges that have the greatest likelihood of causing continued environmental degradation.

Lommonwealth of Kentucky

440 main street Second blook courteclise Carrollton, reporticey 4008



\$02-732-7000 OFFICE \$02-732-702 FAX colade@bolksock.com

HAROLD "SHORTY" TOMLINSON CARROLL COUNTY JUDGE/EXECUTIVE

June 7, 2004

Fax (202) 224-2499

Senator Mitch McConnell
361-A Russell Senate Office Building
Washington, DC 20510

Dear Senator McConnell:

As County Indge/Executive, I have been proud of our county's efforts to attract good paying jobs. We can no longer depend on tobacco for our future and economic development has and will cominue to be a priority for our community. Fortunately, our efforts have been successful. The decision of Acerinox, S.A. of Madrid, Spain to locate North American Stainless in our county has created more than 900 good paying jobs. Acerinox has invested more than \$1.2 billion in NAS which is considered one of the most advanced stainless steel mills in the world. NAS represents the single largest Spanish investment in the United States and you may recall that H.R.H. Prince Felips, the Spanish Crown Prince, dedicated the \$260,000,000 Hot Mill in 1999. We are also very proud that the men and women of NAS are exporting substantial tomage to China. Therefore, we believe that NAS is very important to the future of our county and the Commonwealth.

I am writing to you because we greatly need your assistance with regard to recent developments with EPA which may jeopardize future expansions at NAS as well as our other manufacturers. Last Wednesday, June 2, I attended a conference sponsored by the Kennoky Division for Air Quality (DAQ). At this conference, we were advised that EPA may reject the Commonwealth's analysis and recommendations for PM-2.5 designations and designate as nonattainment not only all the northern Kentucky counties in the Cincinnati-Hamilton MSA but also our county.

We understand that RPA intends to make its decision about our county by June 15. If EPA designates our county as nonstrainment, our county will be harmed greatly for no reason. Though I do not want to burden you with too many details, I think it is important to advise of

5NO. 6143702P. 4/6.02/04

Commonwealth of Kentucky

440 MAIN STREET
RECORD PLOOR COURTNOYSE
CARDOLLTON, RENTICEY 4508



टोम्बेस्टीम्बास्यर कर इस्ट-४३२-४१३३ ४५२ ३११-४३१-४०४१ एस्टिटि

HAROLD "SHORTY" TOMINSON CARROLL COUNTY JUDGE/EXECUTIVE

what I have learned since attending the DAQ conference. Therefore, I hope the following is of assistance:

KENTUCKY DAQ

The Clean Air Act requires States to classify Air Quality Control Regions (usually counties) within the States as being in attainment or nonattainment with National Ambient Air Quality Standards. The EPA issued guidance in April 2003 to its Regional Administrators for the purpose of assisting States in making Clean Air Act designations for PM-2.5 ambient air quality standard. The guidance recommends use of Metropolitan Statistical Areas (MSAs) as presumptive definitions for source areas contributing to PM-2.5 nonattainment problems. The guidance also identifies factors that can be considered in deviating from MSA boundaries to make nonattainment areas either larger or smaller than the MSA. EPA's guidance also recommends that States promote consistency between PM-2.5 designations boundaries and used for implementation of the 8-hour ozone standard, in order to coordinate planning and control strategies. This is because many of the same sources of pollutants will influence both the ozone and PM-2.5 standards (e.g., NOx and VOC are precursors of both ozone and PM-2.5).

DAQ's analysis and recommendations for PM-2.5 nonattainment designations were conducted in accordance with the guidance and included an assessment of the Kentucky portion of the Cincinnati-Hamilton, OH-KY-IN MSA, which includes Campbell, Kenton, Boone, Gallatin, Grant, and Pendleton Counties. The Commonwealth's analysis of all relevant factors concluded that none of the Kentucky counties in the MSA could justifiably be classified nonattainment for PM-2.5.

EPA

EPA appearably may challenge Kentucky's conclusion and may even go further to propose that Carroll County be included in the nonattainment area designation. We strongly disagree and object to EPA's announced intentions. In the first instance, there are no data demonstrating that Carroll County exceeds the PM 2.5 standard, this despite a requirement that EPA collect such data. Furthermore, Carroll County is not part of the Cincinnati-Hamilton, OH-KY-IN MSA. Additionally, there are no factors that justify including Carroll County within the boundaries of the nonattainment area for this region.

As mentioned above, EPA's own guidance document recommands conforming PM-2.5 nonattainment areas with 8-hour ozone nonattainment areas. There is no basis for including

Commonwealth of Rentucky

SECOND MYDON COMMITTIONS THOUSAND MYDON COMMITTIONS



SOATIONO OFFICE SOATIONED RAY capalgraphalacathaci

HAROLD "SHORTY" TOMLINSON CARPOLL COUNTY JUDGE/EXECUTIVE

Carroll County because the boundary designation for the 8-hour ozone standard in this area includes only Boone, Campbell, and Kenton Counties in Kentucky. Carroll County is not even contiguous to any of these counties.

As EPA notes in its guidance, section 107(d) of the Clean Air Act specifies that nonattainment areas shall include "any area that does not meet (or that contributes to ambient air quality in a nearby area that does not meet) the national primary or secondary ambient air quality standard for the pollutant." The guidance further notes that areas should be classified "nonattainment" if they are "violating a standard or contributing to nearby violations."

Because there are no PM-2.5 ambient air quality data for Carroll County, there is no basis whatsoever to conclude that the county is violating the PM-2.5 ambient air quality standard. Also, there is no basis for classifying the county as nonattainment because there is no demonstration that the county contributes to nearby embient air quality standard violations.

The nearest downwind county is Gallatin County, which is located in the MSA. Kentucky's analysis of counties in the MSA concluded that Gallatin County, even though located within the MSA, should be classified attainment because there are no data showing nonattainment in the county. Moreover, the nearest monitors further downwind in Kenton County demonstrate attainment with the PM-2.5 standard. Further, the analysis concluded that emissions in Gallatin County are negligible, do not contribute to nonattainment in the MSA, and recommended Gallatin County be classified as attainment. If Gallatin County is not contributing to nearby violations and itself has no data showing violations, then neither can the further upwind county (Carroll) be contributing to ambient air quality violations.

Also, it is important to understand that in those Kennicky counties within the MSA where PM-2.5 concentrations have been monitored, the data for the period 2001-2003 show attainment with the annual average design values. For Campbell County the 3-year average PM-2.5 value is 13.9 micrograms per cubic meter, and for Kenton County the 3-year average is 14.9 micrograms per cubic meter. These data demonstrate that upwind sources in Gallatin County, much less, distant Carroll County, are not contributing to nonattainment in those counties where the greatest potential for impacts would be expected.

We strongly believe that there is no justification for designating Carroll County as nonettainment for PM-2.5. We believe that EPA may seek to include Carroll County within the proposed PM-2.5 nonattainment designation solely because the LG&E Ghent Generating Station (coal-fired electric utility) is located just within the boundary line between Carroll and Gallatin

SNO. 6143702P. 6/6,04/04

Commonwealth of Kentucky

440 MAIN STREET EBCOND FLOCK COUNTROLISE CARSOTITION, KENTUCKY 4008



SIL-TIL-TIM CHRICE SIL-TIL-TIM PAX Chrise Challeonham

HAROLD "SHORTY" TOMLINSON CARROLL COUNTY JUDGE/EXECUTIVE

Counties. RPA has simple authority elsewhere in the Clean Air Act to regulate point source emissions from power plants and should not subject our entire county to a nonattainment designation simply for the purpose of exerting regulatory control over one facility.

CONCLUSION '

Therefore, we respectfully submit the law requires that EPA demonstrate that the county is either exceeding the standard or is contributing to nearby nonattainment. All the available data suggests that neither of these requirements is met. Accordingly, it would appear that if EPA attempts to include Carroll County within the greater Cincinnati PM-2.5 Nonattainment Designation that EPA will not comply with its own policy or the Clean Air Act.

Though we understand the important job that EPA is performing for our citizens, it seems to me that EPA will make a terrible mistake if it designates Carroll County as nonattainment for PM-2.5. If EPA on June 15 includes Carroll County, this mistake will have a dramatic impact on our future. As you are very well aware from your knowledge of our community, we need to create additional jobs at NAS and elsewhere and very much appreciate your interest and support of efforts to secure the jobs for the citizens of Carroll County. We will greatly appreciate it if you will inquire of EPA as to the status of this matter and determine how we may best make our concerns known to EPA.

Sincerely.

Harold Tomlinson

County Judge/Executive



05:22pm

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4 ATLANTA FEDERAL CENTER 61 FORSYTH STREET ATLANTA, GEORGIA 30303-8960

JUN 28 2004

Al-0400884

The Honorable Mitch McConnell United States Senate Washington, DC 20510-1702

Dear Senator McConnell:

Thank you for your letter of June 8, 2004, on behalf of Mr. Harold Tomlinson, the County Judge/Executive for Carroll County, Kentucky, concerning fine particulate matter (PM2.5) designations and northern Kentucky. In your letter you requested that the Environmental Protection Agency (EPA) provide you with an update on the status of PM2.5 designations, as well as relevant information on EPA's decisions regarding any region of Kentucky.

In determining an area's designation, we rely on the Clean Air Act (CAA) definition of a nonattainment area in section 107(d)(1)(A)(i): an area that is violating an ambient standard or is contributing to a nearby area that is violating the standard. If an area meets this definition, EPA is obligated to designate the area as nonattainment. In making designations, we use the most recent 3 years of monitoring data. Once we determine that a monitor is recording a violation, the next step is to determine if there are any nearby areas that are contributing to the violation and include them in the designated nonattainment area. In making this determination, we review all available technical data such as air quality, source locations and emissions, meteorology, terrain, population, commuting, and growth in the area. PM2.5 is a regional pollutant and can be transported by prevailing wind.

States had until February 2004 to recommend to EPA areas that should be designated as attainment and nonattainment. The Commonwealth of Kentucky recommended that Fayette and Jefferson Counties be designated nonattainment and that Boyd County be deferred in its February 20, 2004, submittal. EPA will review and consider those recommendations, and intends to respond to states and tribes by the end of June 2004. In that response, the Agency will notify states and tribes of any modifications EPA wishes to make to state or tribal recommendations. During the 120 days following the modification letters, States will have an opportunity to discuss with the Agency any modifications EPA makes to their recommendations. The 2001-2003 data will be used for making the final designations (by November 17, 2004). EPA will address all state and tribal lands during the designations process.

2

Additional information regarding PM2.5 designations, along with links to the technical support documentation, is available on the web at the following web site: http://www.epa.gov/pmdesignations/.

If you have questions or need additional information from EPA, please contact me or the Region 4 Office of Congressional and Intergovernmental Relations at (404) 562-8327.

Sincerely,

J. I. Palmer, Jr.

Regional Administrator

MITCH McCONNELL KENTUCKY

361-A RUSSELL SENATE OFFICE BUILDING WASHINGTON, DC 20510-1702 (202) 224-2541

AC-DY00894 United States Senate

MAJORITY WHIP

COMMITTEES **AGRICULTURE**

APPROPRIATIONS

SUBCOMMITTEE ON FOREIGN OPERATIONS
CHAIRMAN

RULES AND ADMINISTRATION

June 29, 2004

Mr. Edward Krenik Associate Administrator Congressional & Intergovernmental Relations **Environmental Protection Agency** 1200 Pennsylvania Avenue, NW Washington, D.C. 20460

Dear Mr. Krenik:

I am writing on behalf of a constituent who has contacted me regarding the Environmental Protection Agency taking away private land from landowners. I would appreciate your review and response to my constituent's concerns.

I have enclosed a copy of my constituent's correspondence, for your information. Please direct any inquiries and all relevant information to Pamela Simpson in my Washington, D.C. office.

Thank you for your time and assistance. I will look forward to receiving your response.

Sincerely,

MITCH McCONNELL

UNITED STATES SENATOR

MM/PS

C# 711.1511 E! 3: 12 Me Me Connell: Please note the enclosed information. ie hyar such things parnetted to happen en I need your reply to this! Exple

Dear Friend,

You're probably wondering why a farmer from Pennsylvania -- someone you've never even met before -- is writing you a letter.

Well I have a story that I heard you might be interested in hearing.

So I hope you'll take just a minute to read about it.

I make my living farming cabbage and grain. It's not easy work... but it's the only work I know. My father was a farmer, and so was my granddad. It's in my blood.

And while it can be difficult work -- dealing with heat, cold, rain and drought -- I've learned to handle pretty much anything nature can throw at me.

But there's one thing I wasn't prepared to handle:

The government taking my land away from me.

When the government agents in the Environmental Protection Agency (EPA) told me I wasn't allowed to farm my land anymore, I was shocked.

This was good, productive farmland that had been in my family for three generations.

I always thought that I would pass this land on down to my children some day. And now I was losing it because of some bureaucratic decision.

But that wasn't the worst of it.

After they took my land, I came to find out that I wouldn't get one thin dime in compensation for what had been taken from me.

I couldn't believe it.

It sounds like a story you'd hear from a victim of

be taken for public use, without just compensation."

That means that IF the government absolutely <u>must</u> take your private property away from you, then the government must give you fair value for it.

Honestly, that only makes sense... doesn't it?

But the government was telling me that I wasn't due any compensation at all!

I also found out that I wasn't the only one the government was doing this to.

In fact, the EPA frequently "takes" private property without giving the owner fair compensation.

In talking with a great group called "Defenders of Property Rights" I learned that, over the last 10 years, the federal government has taken over \$1 billion dollars of private property... without compensating the owners one bit!

Most of these "takings" are properties like mine:

Productive land that is no environmental risk at all.

The EPA just takes it because it can. And because they don't think anyone is going to hold them accountable or force them to pay fair value for it.

If they had to pay fair compensation, they probably wouldn't come within a country mile of taking it.

In all likelihood, they would have left me and my drainage ditch alone.

That's all I really want. That, and to make the government treat me and other property owners <u>fairly</u>.

So I filed my own lawsuit against the government.

That's where I am today.

You've heard of the phrase "you can't take on City Hall" haven't you?

If you think that's hard, well just try taking on the Federal Government!



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY **REGION III** 1650 Arch Street Philadelphia, Pennsylvania 19103-2029

JUL 2 3 2004

The Honorable Mitch McConnell United States Senate Washington, DC 20510-1702

Dear Senator McConnell:

Thank you for your June 29, 2004 letter on behalf of your constituent, Mr. . Weterfard Branch of your constituent, Mr. . regarding wetlands protection in Waterford, Pennsylvania.

Enclosed with Mr. Explicit letter was a solicitation for contributions from Mr. Robert Brace for an organization supported by Mr. Brace. The solicitation makes certain statements about a lawsuit involving Mr. Brace and the United States. Since this matter is currently being litigated by the U.S. Department of Justice on behalf of the U.S. Environmental Protection Agency (EPA), I am not at liberty to discuss the facts of the case. The matter is in the United States Court of Federal Claims before Judge Francis M. Allegra and has been assigned case number 98-8971. The pleadings are a matter of public record.

The regulations to protect wetlands, which are recognized as one of the most productive ecosystems in the world, are under the authority of both the U.S. Army Corps of Engineers (Corps) and EPA. Section 404 of the Clean Water Act (CWA) establishes a program to regulate and protect the discharge of dredged and fill material into waters of the United States, including wetlands. Activities in waters of the United States that are regulated under this program include fills for development, water resource projects (such as dams and levees), infrastructure development (such as highways and airports), and conversion of wetlands to uplands for farming and forestry. The basic premise of the program is that no discharge of dredged or fill material can be permitted if a practicable alternative exists that is less damaging to the aquatic environment, or if the nation's waters would be significantly degraded.

Complying with these environmental regulations is important in protecting public health and the environment. As stated previously, EPA and the Corps jointly administer the CWA 404 program. Regulated activities are controlled by a permit review process. An individual permit is usually required for potentially significant impacts. However, for most discharges that will have only minimal adverse effects, the Corps often grants up-front general permits. These may be issued on a nationwide, regional, or state basis for particular categories of activities (for example, minor road crossings, utility line backfill, and bedding) as a means to expedite the permitting process. At issue in the case in Federal Claims Court is Mr. Brace's failure to procure an individual permit before placing fill in wetlands.

help the great Americans at Defenders.

Defenders is a non-profit group — that means they rely on the support of individuals like you and me to carry out their important court cases.

It also means your gift to them is tax-deductible. So I hope you'll send as much as you can to support their work. I'm hoping you can send them \$25 or more.

This cause is so important, maybe you can send more -- \$50, \$100, \$250, or \$1,000 -- it would help them so much!

I know that's a lot to ask.

But if we can win, it will help out thousands of Americans who have been victimized by the government's "takings" practices.

And you couldn't ask for a group more deserving than Defenders of Property Rights. They handle dozens of cases like mine every year.

So your gift of any amount -- from \$25 to as much as \$1,000 -- is really going to a great organization that helps hardworking Americans who have nowhere else to turn.

Thank you so much for reading my letter and for helping Defenders of Property Rights today.

Tober Bob Brace

Waterford, Pennsylvania

P.S. I've enclosed a photo of me and my sons, and ENC I always thought I would pass my land on to them, the way my dad passed it on to me. I never dreamed that the government would try to destroy our family farm. Thank God for a group like Defenders of Property Rights. And thank God for good, generous Americans like you.

I typed up a short Reply on the back of this page. If you want to help out "Defenders of Property Rights" then please fill out that Reply and send it back to me today.

If you have any questions, please feel free to contact me or have your staff contact Mr. Eric Carlson, Western Pennsylvania Liaison Officer, at 304-234-0233.

Sincerely,

Donald S. Welsh

Regional Administrator

OCT. 4. 2004 12:33PM

MITCH McCONNELL KENTUCKY

361-A RUSSELL SENATE OFFICE BUILDING WASHINGTON, DC 20510-1702 (202) 224-2541

SEN MITCH McCONNELL

AL-0401254 United States Senate

NO. 6834 P. 2

> MAJORITY WHIP COMMITTEES:

AGRICULTURE APPROPRIATIONS SUBCOMMITTEE ON FOREIGN OPPRIATIONS

RULES AND ADMINISTRATION

October 4, 2004

The Honorable Michael O. Leavitt Administrator Environmental Protection Agency 1200 Pennsylvania Avenue, N.W. Washington, D.C. 20460

Dear Administrator Leavitt:

I contact you regarding the enclosed letter that I received from Bill Scott, the County Judge/Executive for Boyd County, Kentucky. Judge Scott expresses concern that the Environmental Protection Agency (EPA) may soon make a final designation of Boyd County as a nonattainment area according to the National Ambient Air Quality Standards for PM-2.5. Judge/Executive Scott seeks assurances that the information submitted by the Kentucky Division for Air Quality requesting an attainment designation for Boyd County be thoroughly reviewed before a final decision is made.

It is my understanding that the EPA and the Kentucky Division for Air Quality have scheduled a conference on October 6 in Atlanta. With the date of the conference quickly approaching, I wanted to make you aware of the concerns of Judge/Executive Scott.

Thank you for your assistance on this important issue, and I look forward to hearing from you in the near future.

Sincerely

MITCH McCONNELL

UNITED STATES SENATOR

Enclosure

BOYD COUNTY JUDGE EXECUTIVE BILL F. SCOTT

P. O. BOX 423 CATLETTSBURG, KENTUCKY 41129

TTY/TTD (800) 247-2510



(606) 739-4134 FAX (606) 739-5446

September 28, 2004

Fax (202) 224-2499

Senator Mitch McConnell
361-A Russell Senate Office Building
Washington, DC 20510

Dear Senator McConnell:

I am writing to you because we greatly need your assistance concerning a conference between U.S. EPA and the Kentucky Division for Air Quality which will be extremely important to our finure. Because our small community has lost approximately 2,000 jobs in the past two years, economic development has become one of our County's most important priorities. Therefore, we were surprised and concerned when, on June 29, 2004, U.S. EPA rejected Kentucky's recommendations and preliminarily designated our County as nonattainment for PM-2.5. We were, quite frankly, astonished because the monitor located in our County shows attainment for the standard and we had relied on these monitoring results.

We have investigated the basis for the preliminary designation. We have reviewed U.S. EPA's nine factor analysis which was posted on the web at the time of the preliminary designation. We have also reviewed Kentucky's August 27 response which is also on the web. We understand that U.S. EPA and Kentucky will meet in Atlanta on October 6. At that meeting or soon after the meeting, U.S. EPA will make a final decision about our County. Though we understand the important job that U.S. EPA is performing for our citizens, we also suspect that the staff of the Office of Air Quality Planning and Standards Organization may have limited time and resources to review submittals for each of the 243 counties which received the preliminary designations of nonattainment. Therefore, we request your assistance in determining how we can be assured that the final decision is based on a thorough review of all the important information submitted by Kentucky.



I am enclosing Kentucky's response to U.S. EPA which is posted on the web. It is our understanding that before Boyd County can be designated nonattainment, the law requires U.S. EPA to demonstrate that our County is either exceeding the standard or is significantly contributing to nearby nonattainment. Since the monitor in Boyd County shows attainment, U.S. EPA has reached the preliminary conclusion that our County significantly contributes to nonattainment in other areas. This conclusion apparently is based upon U.S. EPA's reliance on a weighted emission averaging methodology. However, it appears that U.S. EPA failed to take into consideration all the adjacent county emissions in its calculations. If it will do so, U.S. EPA's own weighted emission scoring methodology will show that our County does not contribute significantly to PM-2.5 levels in the region.

Therefore, it seems to us that U.S. EPA will make a terrible mistake if it designates Boyd County as nonattainment for PM-2.5. This mistake will have a dramatic impact on our future. Not only will designating our County as nonattainment be a devastating blow to our efforts to attract new industry, it will be even more difficult to encourage our existing industry to modernize and preserve existing jobs. It will be difficult, if not impossible, for local industry to plan expansions when it will not be known until February 2008 what the regulatory requirements will be to achieve compliance with the new standards by February 2010. Additionally, any company considering locating or expanding in Boyd County will be subjected to a lengthy and expensive permitting process including the burdensome requirement of installing equipment that achieves the lowest achievable emission rate (LAER), rather than the conventional equipment allowed in other areas.

I hope that you understand why we are so concerned with the outcome of the October 6 conference between U.S. EPA and Kentucky. The conference is not only important to the citizens of Boyd County but also to the many West Virginians and Ohioans who work in our County producing products which are important to our country's economy and its defense. As you know, we are strong supporters of President Bush. At our local rally on September 10, the President assured us his Administration is doing all it can to regain lost jobs. We know that the President must have a great deal of confidence in Administrator Leavitt. Therefore, we will greatly appreciate it if you will determine how we may make our concerns known to Administrator Leavitt and receive assurances that the information recently submitted by Kentucky will be thoroughly and fairly reviewed before Administrator Leavitt makes his final decision.

Sincerely

Bell Staff

Bill F. Scott

Boyd County Judge/Executive

Secretary Lajuana S. Wilcher
Environmental and Public Protection Cabinet
Capital Plaza Tower, 5th Floor
Frankfort, KY 40601

cc;

MITCH MCCONNELL

361-A Russer L Senare Office Bricoms Washington CC 20510-1702 (2021)224-2541 A(-040/27/ United States Senate



BULES AND ADMINISTRATION

September 28, 2004

The Honorable Mike Leavitt Administrator Environmental Protection Agency 1200 Pennsylvania Avenue, N.W. Washington, D.C. 20460-0001

Dear Adminstrator Leavitt:

I am writing on behalf of a constituent who has contacted me regarding mercury contamination from steel scrap from vehicles. I would appreciate your review and response to my constituent's concerns.

I have enclosed a copy of my constituent's correspondence, for your information. Please direct any inquiries and all relevant information to Pamela Simpson in my Washington, D.C. office.

Thank you for your time and assistance. I will look forward to receiving your response.

Sincerely,

MITCH McCONNELL UNITED STATES SENATOR

OMILE STATES SERVING

MM/PS



August 2, 2004

The Honorable Mitch McConnell United States Senate 361A Russell Senate Office Building Washington, DC 20510-1702

Dear Senator McConnell:

Steel scrap from vehicles, while being very desirable to the steel manufacturing process because of its high quality, has increasingly been a problem for our manufacturing facilities as a result of mercury contamination, attributable to certain automotive and vehicle applications, in particular, mercury light switches. The mercury contamination from vehicles is jeopardizing a vital industry that is just beginning to recover. This mercury contamination could put many steelmaking facilities, especially in the electric arc process, out of compliance with federal clean air standards. Because there is a readily available solution to this recycling issue, EPA Administrator Leavitt's office should be encouraged to work with all the stakeholders including the <u>automakers</u> to resolve the issue. A stakeholders meeting will take place at the EPA on August 11.

Steel manufactured in North America today utilizes 2 technologies-both of which require steel scrap. The Basic Oxygen Process uses a minimum of 25% old steel to make new steel and the Electric Arc Process uses virtually 100% old steel to make new. All steel made in North America contains scrap steel, which typically consists of construction and demolition ferrous debris, cans and containers, and shredded steel from end of life vehicles and appliances. This scrap is obtained from all 50 states, from a variety of sources such as scrap processors, curbside collection, drop off centers and vehicle and appliance shredding facilities. Our most current figures from 2003 indicate that over 14 million vehicles were recycled that year in the United States. This equates to 14 million tons of iron and steel recovered from vehicles out of a total recovery of over 70 million tons from all sources. It should also be noted that approximately 210 million vehicles are currently on the road. A typical vehicle

Page 2 The Honorable Senator McConnell August 2, 2004

weighs approximately 3200 lbs. of which about 2000 lbs are steel, including the steel cage and side impact beams that protect you and your family in the vehicle.

The Environmental Protection Agency, (EPA) could write a rule that would require steelmaking operations to install unproven costly air emissions control equipment to solve a problem that can more effectively and efficiently be resolved by removing the mercury switches in the dismantling process. This pollution prevention approach needs financial incentives for the dismantlers and an easily accessible mercury disposal or recycling program. Any other solution is likely to be ineffective and encourages the continual use of mercury in future automotive design.

The steel industry believes that the best way to solve this problem is to remove the mercury before the scrap steel reaches our facilities by phasing out mercury applications in new vehicles and removing mercury containing components from current vehicles prior to scrapping. The automotive manufacturers <u>must</u> play an active and major role. This approach would solve the problem not only for EAF steel producers, but also for Basic Oxygen Process producers <u>and</u> the foundry industry.

With steel being America's most recycled material, and the engine that drives the recycling of America's most recycled product – the automobile, it is imperative that we protect this infrastructure from contaminants. If this cannot be guaranteed, the best recycling infrastructure in America – the recycling of automobiles, will continue to be jeopardized.

Please contact Administrator Leavitt, prior to August 11, expressing your support for a viable solution that includes the automobile manufacturers.

Sincerely

Don B. Daily

President



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY WASHINGTON, D.C. 20460

NOV 23 2004

OFFICE OF POLICY, ECONOMICS, AND INNOVATION

Honorable Mitch McConnell
United States Senate
361-A Russell Senate Office Building
Washington, DC 20510-1702
Attn: Pamela Simpson

Dear Senator McConnell:

Thank you for your letter to Administrator Leavitt concerning mercury contamination of scrap from automobiles and the letter from Gallatin Steel about the Agency's related activities. The Agency shares Gallatin Steel's concerns and, as the Associate Administrator of the Office of Policy, Economics, and Innovation that is helping the Agency to address these issues, I appreciate your letter. Presently, we are pursuing several options that will reduce these downstream emissions produced by the recycling of automobiles and the consumption of shredded steel and will avoid similar problems in the future.

The Agency is pursuing both collaborative and regulatory efforts to promote switch recovery from end-of-life vehicles (ELVs) and future design choices that will avoid similar toxics. We will soon propose a Clean Air Act area source rule to regulate hazardous air emissions from electric arc furnaces, including mercury. We also hope to establish a national ELV switch recovery program, which could be recognized as a compliance option under the mercury provisions of the forthcoming rule. Automakers have been involved in these discussions, as your constituent suggested, and we hope to achieve a collaborative agreement that will establish the program before the end of the year. If an agreement cannot be reached, we will continue to pursue ELV switch recovery by other means and to incorporate our findings into the area source rule.

This has been a strong collaborative effort by the Agency and its stakeholders. We have coordinated the work of our offices and programs, including our Sector Strategies Program, which has an Iron & Steel Sector, and our Green Suppliers Network, which has a collaborative relationship with automakers. We have also met with representatives of auto dismantlers, auto shredders, steelmakers, and mercury retorters, as well as with automakers, States, and environmental groups. If you have any additional suggestions or questions, please contact me or have your staff contact Reynold Meni in EPA's Office of Congressional and Intergovernmental Affairs at 202-564-3669.

Sincerely,

Jessica L. Furey Associate Administrator DEC. 9. 2004 11:59AM

MITCH McCONNELL KENTUCKY

361-A Russell Senate Office Building Washington, DC 20510-1702 (202) 224-2541

SEN MITCH McCONNELL

A(-04-000-2969 United States Senate

NO. 3864

MAJORITY WHIP

COMMITTEES: **AGRICULTURE**

APPROPRIATIONS SUBCOMMITTEE ON FOREIGN OPERATIONS

RULES AND ADMINISTRATION

December 9, 2004

The Honorable Michael O. Leavitt Administrator **Environmental Protection Agency** 1200 Pennsylvania Avenue, N.W. Washington, D.C. 20460

Dear Administrator Leavitt:

I contact you regarding the preliminary designation of Boyd County, Kentucky as a nonattainment area for PM-2.5. As you know, these designations will have significant impacts on economic development in these counties, and it is important that every effort be made to make sure that the designations take all relevant information into consideration.

Judge Bill F. Scott recently contacted me regarding an issue involving a calculation problem in analyzing the monitoring data used for the designation. I have enclosed a copy of Judge Scott's letter for your review. I would appreciate your consideration of the county's concerns regarding this designation.

Thank you for your efforts on this matter, and I look forward to your response.

Sincerely,

MITCH McCONNELL

UNITED STATES SENATOR

Enclosure

BOYD COUNTY JUDGE EXECUTIVE BILL F. SCOTT

P. O. BOX 423 CATLETTSBURG, KENTUCKY 41129

TTY/TTD (800) 247-2510



(606) 739-4134 FAX (606) 739-5446

December 8, 2004

Senator Mitch McConnell 361-A Russell Senate Office Building Washington, DC 20510

Dear Senator McConnell:

I again seek your assistance concerning the preliminary designation of our County as nonattainment of PM-2.5. I wrote you on September 28th because the Kentucky Division for Air Quality was scheduled to meet with U.S. EPA in Atlanta on October 6th to discuss Kentucky's analysis and conclusion that our County should be designated as attainment. On October 4th you sent a copy of my letter to Administrator Leavitt in order that he would be aware of our concerns and why I believe that it would be a terrible mistake for U.S. EPA to designate Boyd County as nonattainment for PM-2.5. I greatly appreciate your sending the letter to Administrator Leavitt.

We have followed the consultations between Kentucky and U.S, EPA and are advised that Administrator Leavitt will make his final decisions concerning our County probably within the next ten (10) days.

I am writing to you today to express concern that a calculation problem in analyzing the monitoring data has not been corrected. In the October 6th Atlanta meeting, Kentucky brought to U.S. EPA's attention that the Office of Air Quality Planning and Standards Organization was not using correct data in determining the design values for each of the monitors. U.S. EPA apparently acknowledged the problem but I cannot get confirmation that the calculations have been corrected.

In my September 28th letter I also expressed concern that U.S. EPA's reliance on a weighted emission averaging methodolgy did not include consideration of all of the adjacent County emissions in its calculations and also may not be considering our declining population as required by EPA's nine factor analysis.



I regret having to bother you again, but I hope that you will make our concerns known to Administrator Leavitt so that we can be assured that the calculation problem in the analysis of monitoring data has been corrected and that U.S. EPA will follow its own guidelines and the Law in determining our County's future.

Sincerely, Will Flort

Bill F. Scott

Boyd County Judge Executive

cc: Secretary Lajuana S. Wilcher
Environmental and Public Protection Cabinet
Capitol Plaza Tower, 5th Floor
Frankfort, KY 40601

Commissioner Lloyd Cress
Department for Environmental Protection
Environmental and Public Protection Cabinet
14 Reily Road
Frankfort, KY 40601

Director John Lyons
Division for Air Quality
Department for Environmental Protection
Environmental and Public Protection Cabinet
803 Schenkel Lane
Frankfort, KY 40601-1403

. 09/29/04 WED 15:49 FAX 502 882 5328

MCCONNELL LOUISVILLE

→→→ DC

☑ 002

BOYD COUNTY JUDGE EXECUTIVE BILL F. SCOTT

P. O. BOX 423 CATLETTSBURG, KENTUCKY 41129

TTY/TTD (800) 247-2510



(606) 739-4134 FAX (606) 739-5446

September 28, 2004

Fax (202) 224-2499

Senator Mitch McConnell 361-A Russell Senate Office Building Washington, DC 20510

Dear Senator McConnell:

I am writing to you because we greatly need your assistance concerning a conference between U.S. EPA and the Kentucky Division for Air Quality which will be extremely important to our future. Because our small community has lost approximately 2,000 jobs in the past two years, economic development has become one of our County's most important priorities. Therefore, we were surprised and concerned when, on June 29, 2004, U.S. EPA rejected Kentucky's recommendations and preliminarily designated our County as nonattainment for PM-2.5. We were, quite frankly, astonished because the monitor located in our County shows attainment for the standard and we had relied on these monitoring results.

We have investigated the basis for the preliminary designation. We have reviewed U.S. EPA's nine factor analysis which was posted on the web at the time of the preliminary designation. We have also reviewed Kentucky's August 27 response which is also on the web. We understand that U.S. EPA and Kentucky will meet in Atlanta on October 6. At that meeting or soon after the meeting, U.S. EPA will make a final decision about our County. Though we understand the important job that U.S. EPA is performing for our citizens, we also suspect that the staff of the Office of Air Quality Planning and Standards Organization may have limited time and resources to review submittals for each of the 243 counties which received the preliminary designations of nonattainment. Therefore, we request your assistance in determining how we can be assured that the final decision is based on a thorough review of all the important information submitted by Kentucky.



An Equal Opportunity Employer M/F/D

+++ DC

Ø003

I am enclosing Kentucky's response to U.S. EPA which is posted on the web. It is our understanding that before Boyd County can be designated nonattainment, the law requires U.S. EPA to demonstrate that our County is either exceeding the standard or is significantly contributing to nearby nonattainment. Since the monitor in Boyd County shows attainment, U.S. EPA has reached the preliminary conclusion that our County significantly contributes to nonattainment in other areas. This conclusion apparently is based upon U.S. EPA's reliance on a weighted emission averaging methodology. However, it appears that U.S. EPA failed to take into consideration all the adjacent county emissions in its calculations. If it will do so, U.S. EPA's own weighted emission scoring methodology will show that our County does not contribute significantly to PM-2.5 levels in the region.

Therefore, it seems to us that U.S. EPA will make a terrible mistake if it designates Boyd County as nonattainment for PM-2.5. This mistake will have a dramatic impact on our future. Not only will designating our County as nonattainment be a devastating blow to our efforts to attract new industry, it will be even more difficult to encourage our existing industry to modernize and preserve existing jobs. It will be difficult, if not impossible, for local industry to plan expansions when it will not be known until February 2008 what the regulatory requirements will be to achieve compliance with the new standards by February 2010. Additionally, any company considering locating or expanding in Boyd County will be subjected to a lengthy and expensive permitting process including the burdensome requirement of installing equipment that schieves the lowest achievable emission rate (LAER), rather than the conventional equipment allowed in other areas.

I hope that you understand why we are so concerned with the outcome of the October 6 conference between U.S. EPA and Kennicky. The conference is not only important to the citizens of Boyd County but also to the many West Virginians and Ohioans who work in our County producing products which are important to our country's economy and its defense. As you know, we are strong supporters of President Bush. At our local relly on September 10, the President assured us his Administration is doing all it can to regain lost jobs. We know that the President must have a great deal of confidence in Administrator Leavitt. Therefore, we will greatly appreciate it if you will determine how we may make our concerns known to Administrator Leavitt and receive assurances that the information recently submitted by Kentucky will be thoroughly and fairly reviewed before Administrator Leavitt makes his final decision.

Sincerely

Bill F. Scott

Boyd County Judge/Executive

Secretary Lajuana S. Wilcher
Environmental and Public Protection Cabinet
Capital Plaza Tower, 5th Floor
Frankfort, KY 40601

cc:

08/28/04 WED 15:50 FAX 502 582 6328

MCCONNELL LOUISVILLE

→→→ DC

2004

Commissioner Lloyd Cress
Department for Environmental Protection
Environmental and Public Protection Cabinet
14 Reilly Road
Frankfort, KY 40601

Director John Lyons
Division for Air Quality
Department for Environmental Protection
Environmental and Public Protection Cabinet
803 Schenkel Lane
Frankfort, KY 40601-1403

Sulfeo STATES

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 00303-8960

DEC 1 6 2004

The Honorable Mitch McConnell United States Senate Washington, DC 20510-1702

Dear Senator McConnell:

Thank you for your December 9, 2004, letter concerning fine particulate matter (PM2.5) designations and Boyd County, Kentucky. You forwarded a letter from Judge Bill F. Scott regarding an issue involving a calculation problem in analyzing the monitoring data used for the designation and other designation issues.

As mentioned in my June 28, 2004, and October 28, 2004 letters to you, EPA uses the most recent three years of monitoring data to determine if a monitor is recording a violation. The next step is to determine if there are any nearby areas that are contributing to the violation and include them in the designated nonattainment area. In making this determination, we review all available technical data related to nine factors set out in the April 1, 2003, guidance such as air quality, source locations and emissions, meteorology, terrain, population, commuting, and growth in the area. It is important to remember that PM2.5 is a regional pollutant and can be transported by prevailing wind.

In making designations, we review each county in every area with a violating monitor for the aforementioned nine factors. While we look for national consistency with our decisions and designations, we evaluate each area individually. EPA and Kentucky have been in extensive dialogue over the past several months regarding the PM2.5 designation process. The Commonwealth has submitted extensive information regarding the Ashland area.

EPA is using the current information for this area. We have verified with the EPA Office of Air Quality Planning and Standards that we are using the corrected ambient monitoring data, and are comparing the emissions from Boyd County with the emissions in the entire area, including adjacent counties. We also are aware of the declining growth for Boyd County. Growth is one of the factors for assessing the size of the nonattainment area. All of this information is being included in the decision making process which is expected to occur on December 17, 2004, but no later than December 31, 2004.

If you have questions or need additional information from EPA, please contact me or the Region 4 Office of Congressional and Intergovernmental Relations at (404) 562-8327.

Sincerely,

J. I. Palmer, Jr.

Regional Administrator

MITCH McCONNELL -

ALG405320

COMMITTEES:
AGRICULTURE
APPROPRIATIONS
RULES
ETHICS (VICE CHAIRMAN)

9405390

United States Senate

WASHINGTON, DC 20510-1702 (202) 224-2541

November 15, 1994

Ms. Carol Browner Environmental Protection Agency 401 M Street SW Washington, DC 20460

Dear Ms. Browner:

On behalf of the Western Kentucky Ag Expo Planning Committee, I would like to extend an invitation to you to be the keynote speaker at the January 25, 1995 event.

This expo reaches over 1,000 farmers in a tri-state area including 20 counties in Western Kentucky. The main purpose of this event is to provide area farmers with educational opportunities on agricultural policies and production information. With the many new regulations that have been proposed on pesticides and herbicides, your insight on these issues would be very valuable. Kentucky is a leading agricultural state that can preserve a solid environmental record while maintaining a sound agricultural economy. As you are well aware, farmers were the first environmentalists.

Again, the Ag Expo is scheduled for Wednesday, January 25 in Owensboro, Kentucky. I hope you will give this invitation every consideration. If you have any questions, please do not hesitate to contact Kim Holt, of my staff, at 224-2541.

Sincerely,

MITCH MCCONNELL

UNITED STATES SENATOR

MM/kah

MITCH McCONNELL KENTUCKY .

AL-940538le

COMMITTEES:
AGRICULTURE
APPROPRIATIONS
RULES
ETHICS (VICE CHAIRMAN)

United States Senate

WASHINGTON, DC 20510-1702 (202) 224-2541

November 23, 1994

Mr. Robert Hickmott Environmental Protection Agency Director, Office of Congressional Liaison 401 M Street SW Washington, D.C. 20460

Dear Mr. Hickmott:

This letter is in reference to Mr. John Lawson. He contacted my office regarding his efforts to have the self reporting section of the Clean Water Acts clarified.

For your convenient reference, I have enclosed a copy of his correspondence.

Since I want to be responsive to all constituent inquiries, your prompt consideration, findings and views concerning the enclosed will be greatly appreciated. I look forward to hearing from you at your earliest convenience.

Please send your response to my state office. The address is 601 West Broadway, Room 603, Louisville, Kentucky 40202. It should be sent to the attention of Patrick Foster. He can be reached at (502) 582-6304 for further information.

Thank you for your assistance in this matter.

Sincerely,

MITCH McCONNELL

UNÍTED STATES SENATOR

MM/ptf

Enclosure

SPANISH COVE SANITATION 1622 HUNTOON AVENUE LOUISVILLE, KY. 40215 502-366-0472

94 HOV 17 AH 11: 13

November 16, 1994

Senator Mitch McConnel 601 W. Broadway Room 630 Louisville, Ky. 40202

Dear Senator McConnel:

Enclosed you will find a copy of a letter I have sent to Ms. Janet Reno of the Justice Department.

After reading the letter I believe you will feel, if the facts that I have presented have any credibility, that the Clean Water Acts section on self reporting (Discharge Monitoring Reports) is in need of some clarification and understanding as to the purpose of these reports.

- 1) Was is it the intent of congress for these reports to be used for criminal prosecution or for information whereby plant owners & Government will detect problem areas.
- 2) Are there rules or guidelines that should be followed for individuals who filed such reports before criminal prosecution, should be started. Mr. Gary Levey, Division Head, Enforcement Branch Commonwealth of Kentucky told me 85% of all violations that needed hearing's are settled at the hearing level. I have never had a problem with the State, and to my knowledge have only had (1) hearing in 19 years. They have always been helpful.

It would be greatly appreciated if there is anything you can do in your office to help with this problem.

efy Truly Yours,

John Lawson

Spanish Cove Sanitation, Pres.

SPANISH COVE SANITATION 1622 HUNTOON AVENUE LOUISVILLE, KY. 40215 502-366-0472

November 15, 1994

Ms. Janet Reno Director United States Justice Department Washington D.C.

Re: Case No. CR9300015
Western District, L(F)

Dear Ms. Reno,

On October 25, of this year I was sentenced to (6) month incarceration for violating the Clean Water Act.

The case involved violation of parameter's on Discharge Monitoring Reports required by the EPA to be turned in monthly as required by law.

I operate a Sewer Plant in Jefferson County, Ky. More specifically at the end of Random Way in Fern Creek, Kentucky, KPDES # Ky0039802.

I have documentation to show that since 1984 there has been a conspiracy between the Louisville & Jefferson County Board of Health and the Jefferson County Metropolitan Sewer District, to do away with local independent operated sewer plants.

I have plant operators who have lost their plants, who would testify as to the above.

I have documentation to show that the FBI agent who had me indicted was aware of very serious violations of the Louisville and Jefferson County Metropolitan Sewer District and took no action against them.

I have the documentation to show that the same FBI agent of having knowledge of the Metropolitan Sewer District's operation causing massive fish, turtle, and other wildlife kills and no action taken.

I have two county employees who would testify that they have told the FBI of a number of Metropolitan Sewer Districts gross violations with no action taken.

I have copies of depositions taken in a federal case where Local officials have stated that "it seems that there are double standards for independent plant operators and Metropolitan Sewer District".

SPANISH COVE SANITATION 1622 HUNTOON AVENUE LOUISVILLE, KY. 40215 502-366-0472

I have copies of Depositions where local officials have said they have informed the same Agent, that had me indicted, of these most serious violations, by MSD with no action taken.

I have a two hour video taken over a six month period of the Louisville & Jefferson County Metropolitan Sewer District dumping untreated sewage into open ditches and storm drain catch basins. The FBI was aware of this with no action taken.

I have on video an MSD employee stating that this happens every time is rains and has been going on for 20 years to his knowledge.

I have a letter from Mr. Gary Levy the Director of Enforcement Division of Water, Commonwealth of Kentucky, stating that the state has primacy for violations of the clean water act, and "all appropriate violations are handled by his office".

I have discussed my idictment with the EPA, Atlanta office. They stated they did not request the FBI to intervene.

I have discussed this case with Debbie Vallari of the E.P.A. Washington D.C. office. She stated "it is very bizarre".

I have discussed this problem with Mr. Gary Levy, Director of Enforcement for the Commonwealth of Kentucky, and he stated he did not request the FBI to intervene. And he was surprised of the Government getting a conviction.

How did the FBI get involved with one small plant operator who's plant only generates 40,000 gallons of effluent a day, and not be interested in plants that generate millions of gallons a day, and by their own Discharge Monitoring Reports showing violations worse than mine.

I have copies of letters on MSD stationary showing thousands of violations in one years time, that are not on Discharge Monitoring Reports.

The FBI could have only been made aware of this problem by either the Louisville and Jefferson County Health Department or the Louisville Jefferson Metropolitan Sewer District. Neither of Which has direct power over these plants.

SPANISH COVE SANITATION 1622 HUNTOON AVENUE LOUISVILLE, KY. 40215 502-366-0472

If either of the above had any legitimate complaint they have a number of options with in the frame work of the law.

They could have had local administrative hearing. They have and most often they lost.

They could have taken me to Circuit Court, they have and lost.

They could have requested that the Commonwealth of Kentucky take action as the Division of Water has jurisdiction over all permits for Sewer Plants in the Commonwealth. I have a letter from Mr. Levy stating this should be the procedure.

However, their method was to call in the same FBI agent who has for years had knowledge of MSD gross pollution of our streams and furnished him with unsubstantiated information which he took to a grand jury. Two of my employees were summoned before this grand jury. The same employees will testify that the Government attempted to have them testify that I was not operating the plant properly. No indictment was handed down.

In August of the same year I was offered a plea-bargain on 33 counts that I assumed the grand jury did not indict me on and was told my fine would be commensurate with my net worth. Thus forcing me to sell my plant, to pay the fine. I refused.

One day after Mr. received these reports I was indicted. Out of the Hundreds of Thousands of Discharge monitoring report violations turned in, in the 50 United States, I am the only person to have been indicted, on these types of violation. These were different charges that the 33 the prosecutor wanted to plea bargain on.

On May 26, 1992 FBI Agent; ordered all violations for the State of Kentucky. There has been an over 67,000 violations in the past (2) years in our Region. No one else has been indicted. If he truly was interested in justice why didn't he have all violators indicted.

I may be reading the Law wrong, and I may have misunderstood Mr. Gary Levy's letter and my discussion

MITCH MCCONNELL

361-A RUSSELL SENATE OFFICE BUILDING WASHINGTON, DC 20510-1702 (202) 224-2541 AC-0/2075d United States Senate COMMITTEES:
RULES AND ADMINISTRATION, CHAIRMAN

AGRICULTURE

APPROPRIATIONS

Chairman, Subcommittee on Foreign Operations

JUDICIARY

April 19, 2001

The Honorable Christine Todd Whitman Administrator Environmental Protection Agency 1200 Pennsylvania Avenue, N.W. Washington, D.C. 20460

Dear Administrator Whitman:

I am writing on behalf of a constituent who has contacted me regarding his concern for potential health risks as a result of exposure to diesel fumes. I would appreciate your review and response to my constituent's concerns.

I have enclosed a copy of my constituent's correspondence, for your information. Please direct any inquiries and all relevant information to Brytt Deye, in my Washington, D.C. office.

Thank you for your time and assistance. I will look forward to receiving your response.

Sincerely,

MITCH McCONNELL

UNITED STATES SENATOR

MM/bmd

Enclosure

2

If I may be of further assistance, please feel free to contact me or the Region 4 Office of Congressional and Intergovernmental Relations at (404) 562-8237.

Sincerely,

A. Stanley Meiburg

Acting Regional Administrator

Enclosures

9/13



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4 ATLANTA FEDERAL CENTER **61 FORSYTH STREET** ATLANTA, GEORGIA 30303-8960

9 2001

Honorable Mitch McConnell United States Senate Washington, DC 20510-1702

Dear Senator McConnell:

Thank you for your letter of April 18, 2001, on behalf of Ms. of Cromona, Kentucky regarding an Asian lady beetle problem. Ms. claims her residence is persistently infested with the beetles and feels she cannot effectively control them because the Asian lady beetle is considered a "protected" species. She expressed frustration at the United States (U.S.) Government for introducing the beetles to the U.S. and asked for help to eradicate them from eastern Kentucky.

The Asian lady beetle is not listed as an Endangered Species by the Environmental Protection Agency or the U.S. Fish and Wildlife Service and it is not considered protected. A number of exotic lady beetles were purposely released in the U.S. to control various insect pests, and the Asian lady beetle is an extremely beneficial control agent for aphids, which are small but abundant insects that cause extensive damage to numerous trees and crops. The beetles cause minimal harm to the environment and are considered preferential predators for aphids, which are known to become resistant to pesticides. Although the Asian lady beetle is not designated as a protected species, it is considered beneficial.

There are no current wide-scale spraying programs in place to eliminate the Asian lady beetle over large areas because the pesticides required would likely have negative effects on other plant and animal habitats. Large clusters of adult beetles are frequently found in "swarms" on many outdoor objects, including light-colored doors, windows, walls, and porches of buildings. Unfortunately, cracks and crevices in Ms. home are likely large enough to allow the beetles to migrate inside where they have become a nuisance.

Effective control measures would be to prevent home entry by installing tight screens and sealing cracks and crevices around doors, windows, siding, and utility pipes. However, pesticide should refer to the enclosures for use should only be considered as a last resort. Ms. further information regarding Asian lady beetles.

There are either dead bugs or crawling bugs all over my house at all times. I can't tell you in a short letter what a nightmare we are having to endure, but I'll trade houses with you for about a month and then you might begin to understand. The only thing worse than what we are going thru is my invalid Mother who has them (not nearly as bad as us) and is not even able to knock them off of her.

I am begging you to help the people of Eastern Kentucky get rid of this pestilence. We have been invaded and are being tormented by these horrible creatures.

If you need any further information or documentation (I have saved the dead bugs in the vacuum cleaner bags for a couple of months) please don't hesitate to contact me.

And since I am writing, I think it would take a pure idiot to not realize that the American people need tax relief. Please do all you can to see that we get one. Especially work on ridding us of the immoral "marriage penalty tax."

Sincerely,

Exple

may not be enough to keep me from a nervous collapse under my current circumstances. I consider myself to be strong emotionally and spiritually, but everyone has a limit to what they are able to stand and I'm afraid I've reached my limit.

It would take too long to tell you everything that we've gone thru and I'm sure you wouldn't want to hear it anyway. That is why I've just hit the highlights or should I say lowlights, but the thing that has just about pushed me over the edge mentally is "bugs" crawling all over my home at all times of the year, every day, day in and day out. I call them "devil" bugs because I truly believe the devil has sent them to torment people and as far as I am concerned that is all they are good for. I know that these Asian lady beetles were first planted here in the United States. They may not have been specifically planted in Kentucky, but they were planted somewhere in the United States and have now made their way here.

Every day when I come home from work the first thing I do is suck up devil bugs all over my house. This takes from 30 to 45 minutes to an hour. And by the time I have sucked them all up it is time to start over because more have taken the place of the ones I've gotten rid of. This is a continual process. I leave a small vacuum cleaner plugged up and sitting in my floor at all times to defend us against them. I just burned the motor up in a little Oreck that I've had less than two years and all I've used it for is to suck up devil bugs. I've had to borrow another one till I can get mine repaired. You can't survive without one. These little devils fly into the side of your head, in your eyes and ears, etc. They crawl in bed with you. They crawl down your blouse while you are sitting on your couch. You have to stop and suck them up while you are cooking to keep them from crawing from your counters into your food. They stain everything with their orange droppings. I actually dread coming home.

I do all my day to day housework because I can't afford to hire it done, however, due to a had back I'm not able to do heavy cleaning so once a year I hire someone to wash walls, woodworks, windows, etc. I just had this done in November but it was a total waste with these bugs crawling all over everything. I have had extreme allergy problems for nearly a year now and my family and I are beginning to think that since I haven't responded to treatment that it may be that the bugs are the source of my allergy problems.

Senator Mitch McConell U. S. Senate Washington, DC 20510

Dear Senator McConell:

I am writing to you today to express my deep anger and frustration due to the nightmare that I am living in at the hands of my own government. I am speaking of the fact that Asian lady beetles were originally transplanted in this country and are now considered a "protected" bug by the government. I find it ludicrous that bugs are more important than people.

In 1979 my husband and I, with a big \$300.00 down payment, plunged ourselves deeply into debt to build our dream home so that our daughters could have a nice home to grow up in. During the years we have faced many obsticles that we have had to overcome in order to just hang on to this place. My husband and I have lost two good jobs thru the years and our income has gone backwards instead of forward. My husband was deprived of severance pay which he worked 19 years to acquire and then just before he was laid off they changed the terms to go by the "rule of 65" and because of his young age he didn't get a dime of the money he was entitled to. My huband had even almost been killed saving the tipple on which he worked from burning to the ground and he didn't even get a "thank you" much less his severance pay that he was entitled to.

As you may see, we've experienced a lot of hard knocks thru the years and mainly because of our faith in God, we've been able to hang on. But, I must admit to you that even my faith MITCH McCONNELL KENTUCKY

361-A RUSSELL SENATE OFFICE BUILDING WASHINGTON, DC 20510-1702 (202) 224-2541

AC-0/00741 United States Senate

COMMITTEES: RULES AND ADMINISTRATION, CHAIRMAN **AGRICULTURE APPROPRIATIONS**

> CHARMAN, SUBCOMMITTEE ON FOREIGN OPERATIONS JUDICIARY

April 18, 2001

The Honorable Christine Todd Whitman Administrator Environmental Protection Agency 1200 Pennsylvania Avenue, N.W. Washington, D.C. 20460

Dear Administrator Whitman:

I am writing on behalf of a constituent who has contacted me regarding problems she is having due to the fact that the Asian lady beetle is considered a "protected" species. I would appreciate your review and response to my constituent's concerns.

I have enclosed a copy of my constituent's correspondence, for your information. Please direct any inquiries and all relevant information to Brytt Deye, in my Washington, D.C. office.

Thank you for your time and assistance. I will look forward to receiving your response.

Sincerely,

MITCH McCONNELL

UNITED STATES SENATOR

MM/bmd

Enclosure

is designed to promote informed decision making about consumer products including household hard surface cleaners such as 409. In addition to improving labels to make them more informative and helping consumers to make informed product choices, the CLI promotes reading of all product labels through the "Read the Label First!" campaign and its brochures (enclosed with the CLI fact sheet).

In addition to EPA's attention to and regulation of new and existing chemical substances, consumer products, such as 409, and their ingredients are monitored and controlled by the Consumer Products Safety Commission (CPSC). CPSC promulgates product safety standards which consumer products must meet, mandates the appropriate warning and safety labeling of any consumer product which contains any hazardous substances, and bans products that present an unreasonable risk of injury. Therefore, it would be beneficial for your constituent to contact the CPSC as they can more appropriately address his specific health and safety concerns with regard to the 409 product. The CPSC can be contacted through the internet at www.cpsc.gov, by telephone at 1-800-638-2772, or by writing to them at: U.S. Consumer Product Safety Commission, Washington, DC 20207-0001.

Also, EPA does encourage the use of environmentally preferable products wherever possible. To help Executive agencies make informed choices in their product selection and use, OPPTS established the Environmentally Preferable Purchasing (EPP) project and website. OPPTS has worked with other Federal Government agencies to establish criteria for identifying environmentally preferable products. One of the first pilot projects, conducted in cooperation with the General Services Administration, concerned cleaning products in government buildings. Complete information on this project, including a purchasing decision tool which individuals may also find useful in making informed choices, can be found on the Cleaning Products Pilot Project website at www.epa.gov/oppt/epp/cleaners/select/ or by contacting the Pollution Prevention Information Clearinghouse (PPIC) at 202 260-1023.

For general information on toxicity of chemical substances and their regulation, Mr. Yeager may want to contact the TSCA Assistance Information Service at 202 554-1404 or visit the EPA website at www.epa.gov/opptintr/chemtest/index.htm. For general information regarding EPA's various programs and activities, Mr. Yeager may want to explore our website at www.epa.gov. I hope this information is helpful in responding to your constituent. Please do not hesitate to contact me if I can be of further assistance.

Sincerely,

Stephen L. Johnson

Acting Assistant Administrator

Enclosures



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY WASHINGTON, D.C. 20460

MAR 2 2 2001

OFFICE OF PREVENTION, PESTICIDES AND TOXIC SUBSTANCES

The Honorable Mitch McConnell United States Senate 361-A Russell Senate Office Building Washington, DC 20510-1702

Attn: Ms. Brytt Deye

Dear Senator McConnell:

Thank you for your letter of February 15, 2001, to the U.S. Environmental Protection Agency's (EPA's) Administrator, Governor Christine Todd Whitman, on behalf of your constituent, Mr. In his letter to you, Mr. expresses his concerns about cleaning products that contain toxic chemicals and more specifically, his concerns regarding the cleaning product 409 and ethylene glycol monobutyl ether. The Office of Prevention, Pesticides and Toxic Substances (OPPTS) has been asked to respond to your letter.

In continuing its mission of protecting human health and the environment, the EPA is responsible for the implementation of various comprehensive environmental protection laws designed to promote public health by protecting our Nation's air, water, and soil from harmful pollution. Under the Toxic Substances Control Act (TSCA), the Agency has broad authority to issue regulations designed to gather health/safety and exposure information on, require testing of, and control exposure to chemical substances and mixtures. In the case of ethylene glycol monobutyl ether (commonly known as 2-butoxyethanol), EPA published a final rule in the enclosed Federal Register on February 28, 1989, (54 FR 8484) under section 8 of TSCA. This rule required manufacturers and importers of this substance to provide the Agency with production, use and exposure related information and also required manufactures, importers, and processors of this substance to submit lists and copies of unpublished health and safety studies. OPPTS later prepared a Fact Sheet on ethylene glycol monobutyl ether in 1998 (enclosed) that summarizes data received under Section 8 of TSCA, as well as toxicity information from the public literature.

The enclosed Material Safety Data Sheet (MSDS) for Formula 409 cleaner that Mr. Yeager refers to in his letter does indicate that ethylene glycol monobutyl ether can cause adverse health effects in "high doses." However, the MSDS for 409 also states that for normal consumer use, health hazards are low. In instances where consumers choose products which have cautionary labeling, EPA is also concerned that those products are used in the safest possible manner. In many cases, it is up to the consumer to choose the right products for their needs and to use, store, and dispose of them properly and safely. EPA's Consumer Labeling Initiative (CLI)

Author: Senator at McConnell-DC

2/8/2001 5:05 PM Date:

Normal

TO: Brytt Deye

Subject: Re: Rule: Re: non toxic living

----- Message Contents

My address is

My phone number _

Mr. McConnell I have seen and read and listened to all of the people who claim to want to protect the environment and want to protect people from toxic chemicals. I have spoken with Jim Stewart and Mr Burger of the E.P.A. and I just keep getting passed on to someone else and still make no difference. Everyone wants to have all the good words spoke about them but they do not want to be involved in the solution. I think that if you want other people to do these things thin you must be ready to do the same things that you want other people to do. You no doubt have used 409 do you know that the m.s.d.s. for 409 states Over exposure to this product may cause the worker exposure limit to ethylene glycol monobutyl ether to be exceeded. Reports have associated blood and bone marrow damage with exposure to ethylene glycol monobutyl ether. Mr. McConnell do you know that the people who clean your office may use this product or worse. There are products on the market that not only is safe for the environment but are also safe for the user and do as good or better and still be comparable or less expensive and save on waste going to the landfills. I wish I could get some communication with someone who really cares.

Thank You

Exo. le

MITCH MCCONNELL KENTUCKY

361-A RUSSELL SENATE OFFICE BUILDING WASHINGTON, DC 20510-1702 (202) 224-2541

AC-0/00400 United States Senate

COMMITTEES: RULES AND ADMINISTRATION, CHAIRMAN **AGRICULTURE APPROPRIATIONS**

CHAIRMAN, SUBCOMMITTEE ON FOREIGN OPERATIONS

February 15, 2001

Ms. Christine Todd Whitman Administrator **Environmental Protection Agency** 401 M Street S.W. Washington, D.C. 20460-0003

Dear Administrator Whitman:

I am writing on behalf of a constituent who has contacted me regarding cleaning products that contain toxic chemicals and more specifically, the fact that cleaning agent 409 contains ethylene glycol monobutyl ether. I would appreciate your review and response to my constituent's concerns.

I have enclosed a copy of my constituent's correspondence, for your information. Please direct any inquiries and all relevant information to Ms. Brytt Deye in my Washington, D.C. office.

Thank you for your time and assistance. I will look forward to receiving your response.

Sincerely,

MITCH McCONNELL

UNITED STATES SENATOR

MM/bmd

bcc: Earl Devaney (2231) Steven Chester (2231) Leo D'Amico (2233) Kathleen Hughes (2232) James Johnson (SAC, Reg. IV) Kathleen Duffield (ORC, Reg. IV)

I appreciate your interest and Mr. Lawson's questions concerning EPA's activities and policies, and I hope that this information is helpful to you. If you have any further questions regarding this matter, please do not hesitate to contact me.

Sincerely yours,

steven K. Herman

Assistant Administrator for Enforcement

and Compliance Assurance

Enclosure

In response to Mr. Lawson's second inquiry, EPA issued guidance on January 12, 1994, entitled "The Exercise of Investigative Discretion." The guidance sets forth specific factors that distinguish cases meriting criminal investigation from those more appropriately pursued administratively or civilly. One of several factors that is specifically considered before criminal prosecution is undertaken is the concealment of misconduct or the falsification of required records (such as DMRs). The January 12, 1994, guidance states, in pertinent part:

If submitted data are false, EPA is prevented from effectively carrying out its mandate. Accordingly, conduct indicating the falsification of data will always serve as the basis for serious consideration to proceed with a criminal investigation.

EPA's guidance also states that a criminal investigation may be warranted when there is a history of repeated violations which demonstrates knowledge of legal standards and a deliberate disregard of those requirements. DMRs may provide relevant information indicating a history of repeated violations. A copy of this guidance is enclosed.

The facts in the case of <u>United States v. Spanish Cove Sanitation</u>, <u>Inc. and John Lawson</u> (W.D. Kentucky, CR93-00015), demonstrate a threat to the environment and a level of culpability that satisfies the criteria set forth in EPA's guidance. Following a two-day jury trial, Mr. Lawson was found guilty of five felony counts and nine misdemeanor counts under the Clean Water Act. The defendants in this case were convicted of negligently discharging pollutants in excess of that allowed under the facility's discharge permit. Mr. Lawson was also charged and found guilty of discharging pollutants from unpermitted point sources at the treatment facility.

These charges arose after the State of Kentucky provided information that the Spanish Cove Wastewater Treatment Plant was in frequent violation of its permit. Two inspections revealed violations including effluent bypass of the facility chlorinator and the pumping of sludge/wastewater from collection basins onto a hillside. Two State officials observed a dark colored effluent running down the hillside from the facility into a creek. Following its analysis, the effluent was shown to have extremely high levels of fecal coliform bacteria. The unpermitted pollution-related activities, repeated violations, and threat to the environment bring this case well within the ambit of EPA's Exercise of Investigative Discretion guidance.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

JAN 0 5 1995

OFFICE OF ENFORCEMENT AND COMPLIANCE ASSURANCE

Senator Mitch McConnell 601 West Broadway, Room 603 Louisville, Kentucky 40202

Re: John Lawson, Spanish Cove Sanitation

Dear Senator McConnell:

Thank you for your letter to Mr. Robert Hickmott, Director, Office of Congressional Liaison, regarding Mr. John Lawson's questions about discharge monitoring reports (DMRs) that are required to be filed under the Clean Water Act. Specifically, Mr. Lawson asks for clarification on the following points: 1) "was it the intent of Congress for DMRs to be used for criminal prosecution or for information whereby plant owners and the government will detect problem areas"; and 2) "are there rules or guidelines that should be followed for individuals who filed such reports before criminal prosecution is initiated."

In response to Mr. Lawson's first question, section 308 of the Clean Water Act requires owners and operators of point sources to establish and maintain records and make reports to the EPA Administrator concerning the discharge of pollutants from point sources. Section 308 of the Clean Water Act states that these records and reports are for the purpose of carrying out the Clean Water Act's objectives, including developing effluent limitations and standards. In addition, section 309(c)(1) and (2) of the Act provide for criminal penalties for negligently or knowingly violating section 308. Section 309(c)(4) specifically provides for criminal penalties for knowingly making a false material statement, representation, or certification in any application, record, report, plan or other document filed or required to be maintained under the Clean Water Act. Thus, the Act clearly reflects Congressional intent to use DMRs for the purpose of addressing water quality and discharge problems through development of effluent limitations, and for use in criminal prosecutions where appropriate.



County Metropolitan Sewer District wants all plants in Jefferson County. And in as much as the Mike Mudd of the Louisville office of D.O.W. testified that the State did not ask for an investigation and Sam Lester, Supervisor in charge, Division of Water, State of Kentucky told me on 4/26/94 that his office did not ask for an investigation, this would only leave the Louisville & Jefferson County Health Department or the Louisville and Jefferson Metropolitan Sewer District, which has no authority over Discharge Monitoring Reports. By the M.S.D.'s own Discharge Monitoring Reports, they are the biggest Violator in Jefferson County and possible the State (see Item 9). I also have photos that were taken by the Division of Water and videos taken by me, showing flagrant violations by M.S.D. that were not reported. Yet every thing they have done wrong in the past (7) years has been over looked by agent McAllister.

Which brings us to the present. I must continue furnishing the discharge monitoring reports to the Division of Water, State of Kentucky. We must report our findings as they are supplied to us from the laboratory doing the testing. If we alter the report, we violate the law. This seems to be a catch 22, I am damned if I do and damned if I don't. My only desire is to operate my plant within the guidelines of the Law and hope that the law would cover every person or company with a discharge operating permit with equal protection. Mr. Gary Levey of the Division of Water, State of Kentucky stated on 05/13/94, he would expect to see future violations on our discharge monitoring reports. This is the purpose of the reports, to self monitor and correct as necessary. Again to the best of my knowledge, I am the only person in the United States who has been indicted and convicted for violations based on self reporting of discharge monitoring reports. Based upon the figures I am getting from the other regions in the United States, there could be millions of violations similar to mine.

The purpose of the enforcement branch of the Division of Water and the E.P.A. is to see that compliance is met. This involves hearings for alledged violations. I have not received any hearings on these charges as prescribed

by the Kentucky Statues or the E.P.A. rules.
On 5/20/94 I met with Mr. Gary Levey and others from the Division of Water. Mr. Levey again stated he did not know why I was chosen to be indicted for this offense, as his department is the enforcer for these types of violations and 85% are satisfied in informal hearings and the balances are handled in formal hearings as prescribed by law.

HISTORY

SPANISH COVE SANITATION INC.

In August 1973, Spanish Cove Sanitation Inc. was formed to serve Spanish Cove Subdivision with sewers.

In March 1984 the Louisville & Jefferson County Metropolitan Sewer District (MSD) initiated a program to do away with small privately owned Sewer Plants in Jefferson County. (See State memorandum dated March 5,1984 Item I)

The Louisville & Jefferson County Health Department started a double standard of inspections for MSD and privately owned Sewer Plants (see pages of depositions of Mr. John Leake, Item 2, and Mr. William Chamberlain Item 3).

In 1985 MSD sent another letter to the State of Kentucky suggesting methods to do away with private plants, one of which was one of mine (See Item 4). This letter very plainly set out a program where by independent plant operators can be put out of business and "full control" of plants given to M.S.D..

In December 1986, John Lawson called the State to come in and make an inspection of his Spanish Cove plant as he felt the Local rules were a contradiction to proper operation of a Sewer Plant.

On December 30, 1986 the Defendant requested a variance from their rules as to how a plant should be ran, as suggested by the State.

The harrassment by the Local Health Department increased.

Our monthly reports continued to the State.
We received the usual comments from the State
inspections and recommendations, which was always complied
with

On July 1, 1990 J. Carl Taylor of the Metropolitan Sewer District sent another letter to the State setting out "Status of MSD's small treatment plant acquistion program", as noted Spanish Cove negotiations started November 6, 1989 (see Item 5)

You will also note at the bottom of Pg. (2) are footnotes as to ways MSD has "suggested " to deny permits. Also, Clark Bledsoe of the Louisville and Jefferson

County Health Department was sent a copy of this letter.

In August 1992 the Defendant was given a letter setting out conditions of a plea bargain to charges other than what I was indicted on in January 1993 (attached item 6) and a copy of my reply stating I was not guilty.

After I refused a plea bargain as set out in Mr. Ream's letter dated August 25, 1992, Mr. McAllister (the F.B.I. investigator) then went to the D.O.W.'s Louisville

SPANISH COVE SANITATION 1622 HUNTOON AVENUE LOUISVILLE, KY. 40215 502-366-0472

Thank You for your consideration in this matter.

Ydurs,

John Lawson Spanish Cove Sanitation, Pres.

Senator Wendell Ford Senator Mitch McConnel Carol M. Browner Adm. EPA

Mike Wallace Diane Sawyer

enc: History of Spanish Cove Sanitation

SPANISH COVE SANITATION 1622 HUNTOON AVENUE LOUISVILLE, KY. 40215 502-366-0472

Monitoring Reports are for the purpose of both self monitoring ones plant and making corrections as needed and letting the Government have knowledge of what is happening with each plant. A falsified report is a violation of the Law. The Commonwealth of Kentucky must be informing the permittees properly as to the proper method of reporting, as 27000 of the 67000 violations reported to the Atlanta office in the last (2) years were from Kentucky. This does not mean Kentucky is a larger polluter. It could very well mean Kentucky has a better understanding of proper reporting. If a person can be singled out of hundreds of thousands of reported violations and prosecuted this could go a long way in setting back this program.

- 2) It is requested that the Justice Department start an investigation as the method used by the Local Agencies as to "Double Standards" for plant operators thus insuring all Citizens the enjoyment of equal protection or prosecution under the law.
- Stop Louisville & Jefferson County Metropolitan Sewer Districts effort to take over any independent plant operators plant until the Louisville & Jefferson County Metropolitan Sewer District shows that they can properly treat sewage they now receive. The massive copies of letters on their stationary that I have, clearly shows they can not.
- 4) Stop the practice of Metropolitan Sewer District, Louisville & Jefferson County Board of Health, and Louisville & Jefferson Counties practice of forcing developers to build sewer plants, operate them for (1) year and then give them to M.S.D.. This amounts to extortion and is no better than the mobs which controlled a neighborhood in the old days. This amounts to taking property without compensation.
 - 5) It is requested that the Government withdraw their objection to my motion to remain free on bond while my appeal is in process. I feel if the court had allowed my evidence to be heard their would have been no conviction, only red faces on many Local Officials.

SPANISH COVE SANITATION 1622 HUNTOON AVENUE LOUISVILLE, KY. 40215 502-366-0472

with him. But, it is my understanding of the Law and from the instruction we get from the schools which we attend yearly that are put on by the Commonwealth that we are to furnish the Discharge Monitoring Reports with the Laboratory result as we find them. Any alteration of the findings would be a falsification of the report and a violation of the Federal Law.

Was it the congressional intent for the reports to be used for criminal prosecution.

Who would file such reports. The Law has guidelines as to abatement of violations and hearing procedures to follow. In my approximately 19 years, to my knowledge we have only had one hearing. It was adjourned and I was told they would get back with me as the Local Agencies fought everything the state would allow me to do. I have never been notified of any problem with my discharge monitoring reports or have I had any hearing on them.

All of the above is documented. The prosecution was aware of the information that I had and made a motion that it not be allowed in court, "as it may confuse the jury". The Judge granted the motion.

This is a pure case of Selective Prosecution. And possibly a violation of the RICO Act, by all parties involved in this prosecution.

Should I be incarcerated I feel I would be a political prisoner and our country would be no better than the Countries that we are sending troops to, to give them "freedom from such acts".

While I am away the Louisville & Jefferson County Health Department and Louisville & Jefferson Metropolitan Sewer District with the aid of FBI Agent McAllister could go after the all independent operators. They seem to want all independent out of business, while the Louisville & Jefferson County Metropolitan Sewer District continues grossly polluting the streams and the Jefferson County Board of Health will turn their back to the pollution as they have in the past.

It is requested that your office please do the following:

 Set up a meeting with Ms. Browner's department, which handles Discharge Monitoring Reports, and the Justice Department. In such a meeting both the Justice Department and the Environmental Protection Agency could define the goals of each agency. It is my understanding that the Discharge Honorable Mitch McConnell United States Senate 1885 Dixie Hwy Ste 345 Fort Wright-Executive Bidg 1 Fort Wright, KY 41011

Honorable Mitch McConnell,

Subject: Diesel Fumes

My name is Quinten Lee Holdren, and I am a Claims Representative at the Social Security Administration office in Florence Kentucky. I am writing this letter to keep you informed about the current diesel fumes problem in our office, and the recent meeting to discuss those problems.

We moved into this location in June of 1999. At that time the truck stop located right beside our office was non-operational. During the fall and winter of 1999 the truck stop was redesigned and rebuilt. I watched the entire construction process. All I see out of my window is the truck stop. In January of 2000 we had our first evacuation, I was away on training that week, but I have experienced several episodes since then.

The fumes are very irritating to the eyes, throat, and nose. It's a burning sensation that does not go away after washing. I have experience eye strain, light-headedness, and headaches while exposed to these fumes.

On March 27, 2001 we had a meeting in the office with two representatives from the Office of Field Maintenance, a mechanical engineer from GSA, an Industrial Hygienist, and a representative from the EPA. They were very good in explaining the cause of the fumes and how they were getting into the building. There was also a proposed plan to fix the problem. The plan calls for a new air intake system with an advanced filtration system to remove all pollutants from the incoming air.

What the employees and I are worried about are the potential health risks. The panel did not want to commit to any kind of potential risks, or ways to identify symptoms. They did suggest that a physician from either GSA or OFM could come to the office and interview us, but no plans have been made to my knowledge.

I will keep you informed about the progress or our office's problem in the future.

Sincerely,

Quinten Lee Holdren Claims Representative

Social Security Administration

Quinter Za Doldren

QLH



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

MAY 9 2001

Honorable Mitch McConnell United States Senate Washington, D.C. 20510-1702

Dear Senator McConnell:

Thank you for your letter dated April 19, 2001, on behalf of Mr. Quinten Lee Holdren concerning diesel fumes that have entered the Social Security Administration's office in Florence, Kentucky from an adjacent truck stop. We are pleased to learn that a plan has been devised at the local level to correct the introduction of diesel fumes to the workplace.

Mr. Holden and coworkers remain concerned about potential health effects of past exposure to diesel fumes. Some of the symptoms described by Mr. Holden are consistent with those noted in the enclosed excerpt from the Environmental Protection Agency (EPA) draft document entitled Health Assessment Document for Diesel Exhaust. A complete version of this draft document can be viewed at http://www.epa.gov/ncea/dieslexh.htm.

EPA's regulatory authority does not extend to the indoor work environment; however, in an effort to be of assistance, I have forwarded Mr. Holdren's letter to Mr. Max Kiefer of the Centers for Disease Control's National Institute for Occupational Safety and Health (NIOSH). NIOSH conducts research on the impact of occupations on health. Mr. Kiefer will contact Mr. Holdren directly to discuss the workplace health issues facing the Social Security Office. Mr. Kiefer can be reached at (404) 639-4173.

Thank you for your interest and concern about protecting human health and the environment. If you have any questions or need additional information, please contact me or the EPA Region 4 Office of Congressional and Intergovernmental Relations at (404) 562-8327

A. Stanley Meiburg

Acting Regional Administrator

Enclosure

cc: Max Kiefer (NIOSH)

MITCH McCONNELL

361-A RUSSELL SENATE OFFICE BUILDING WASHINGTON, DC 20510-1702 (202) 224-2541 AL- 0/0/893 United States Senate COMMITTEES:
RULES A. 2D ADMINISTRATION
RANKING MEMBER

AGRICULTURE

APPROPRIATIONS
SUBCOMMITTEE ON FOREIGN OPERATIONS
RANKING MEMBER

JUDICIARY

October 9, 2001

U.S. Environmental Protection Agency
OARM/OHROS/Executive Resources & Special Programs Division
Attn: SES Human Resources Staff
Mailcode: 3650
1200 Pennsylvania Avenue NW
Washington, DC 20460

Vacancy Announcement:

EPA-01-SES-OAR-6216E

Ladies and Gentlemen:

I am writing on behalf of Mr. , who is seeking a position as Director of the Emissions Monitoring and Analysis Division in the EPA office in Research Triangle Park, North Carolina.

An experienced manager, Mr. has been a leader in the manufacturing industry for two decades. His successes with such corporate leaders as Cooper Tools, Pan-Oston and DESA International exemplifies his wealth of knowledge and ability to apply those talents to marketplace situations. Earning degrees from Duke University and Harvard Graduate School of Business Administration, Mr. is a proven leader who has earned not only success in his field, but the respect of his peers.

I have had the pleasure of meeting him personally and am confident that you will find Mr. to be a capable administrator and asset to the EPA. I hope that you will give his application all due consideration.

Sincerely,

MITCH McCONNELL

UNITED STATES SENATOR

MM/nwm



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY WASHINGTON, D.C. 20460

OCT 29 2001

OFFICE OF **ADMINISTRATION** AND RESOURCES MANAGEMENT

The Honorable Mitch McConnell United States Senate Washington, D.C. 20510-1702

Dear Senator McConnell:

Papele Thank you for your letter of October 9, 2001, in support of Mr. position of Director of the Emissions Monitoring and Analysis Division in Research Triangle Park, North Carolina. I appreciate having your personal recommendation for this position.

has submitted an application for this position and he will receive due Mr. consideration. The position of Director of Emissions Monitoring and Analysis is an important one within the Agency, and it is critical that we select an individual who possesses excellent qualifications and skills.

Again, thank you for recommending Should you have any questions, please call me or your staff may contact Ms. Diane Hicks in the Office of Congressional and Intergovernmental Relations at (202) 564-3652.

Sincerely yours,

David J. O'Connor

Acting Assistant Administrator

Davidy O'Como

MITCH McCONNELL KENTUCKY AL-0101238

361-A RUSSELL SENATE OFFICE BUILDING WASHINGTON, DC 20510-1702 (202) 224-2541

United States Senate

COMMITTEES:
RULES AND ADMINISTRATION
RANKING MEMBER

AGRICULTURE

APPROPRIATIONS
SUBCOMMITTEE ON FOREIGN OPERATIONS
RANKING MEMBER

June 19, 2001

Mr. Michael McDavit
Special Review and Reregistration
Division (MC 7058C)
Office of Pesticide Programs
USEPA
Ariel Rios Building
1200 Pennsylvania Ave., NW
Washington, D.C. 20460

Dear Mr. McDavit:

I am writing to endorse? the Office of Pesticide Programs.

for the position of Chemical Review Manager within

Mr. — qualifications speak for themselves. He has served as a Peace Corps volunteer in Devaa, Mauritania where he conducted agricultural extension work in the Le Grande region of the Assaba, as well as, collecting extensive data on vegetative species over a 14 kilometer area. Mr. Lane also served as a Peace Corps Regional Coordinator where he represented the Peace Corps at regional meetings and governmental activities and conducted Peace Corps bureau meetings in the Regional Capitol.

Though I do not know Mr. Lane personally, he comes highly recommended from a member of my constituency whose opinion I value. I ask that careful consideration be given to his credentials. Thank you for your attention to this matter.

Sincerely,

MITCH McCONNELL

UNITED STATES SENATOR

MM/ayl

M. Camell



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

JUL 19 2001

OFFICE OF PREVENTION, PESTICIDES AND TOXIC SUBSTANCES

The Honorable Mitch McConnell United States Senate Washington, DC 20510

Dear Senator McConnell:

I acknowledge with thanks your letter of June 19, to Mr. Michael McDavit regarding Mr. Your letter endorses Mr. for the position of Chemical Review Manager in the Environmental Protection Agency's Office of Pesticide Programs, based on his qualifications and skills gained from his service in the Peace Corps.

Please be assured that Mr. McDavit has received your letter of endorsement of Mr. We appreciate receiving recommendations for people interested in EPA employment, and will consider Mr. along with other qualified candidates as hiring opportunities appear.

Thank you again for your letter of endorsement.

Sincerely yours

Stephen L. Johnson

Assistant Administrator

cc: Marcia Mulkey, Director, OPP

AC-7801/74

United States Senate

AGRICULTURE
APPROPRIATIONS
JOINT COMMITTEE ON PRINTING
LABOR & HUMAN RESOURCES
RULES

COMMITTEES:

WASHINGTON, DC 20510-1702 (202) 224-2541

April 15, 1998

Ms. Carol M. Browner Administrator Environmental Protection Agency 401 M Street SW Washington, D.C. 20460

Dear Ms. Browner:

Mr. H recently shared with me his concerns regarding new EPA regulations requiring the removal of gas pumps.

I would greatly appreciate your review of Ms. concerns. For your reference, please find enclosed a copy of his correspondence.

Thank you for your consideration of this matter. I look forward to your reply.

Mc Councill

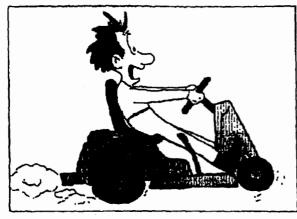
Sincerely,

MITCH/ McCONNELL

UNITED STATES SENATOR

MM/alh

Enclosure



"Travelin' that Electronic Highway!"

From:

Phone/Fax #:

TO: SEN. MITCH ACCORDI

Facsimile Cover Sheet Page 1 of _L

THIS IS IMPORTANT! Plense CALL BOBBY HOMASON Strmeme greing by 5-2-535-7783

GAS STATION OWNER

EPA IS MAKING HIM PLT IN NEW TANKS WHERE FAIRLY NEW ONES ARE LOCATED HE CAN'T APROND THE 40 . R 50,000 30 WILL SHUT DOWN. HLYDREDS OF PEOPLE WILL HAVE TO TRAVEL MILES TO GET GAS

CHECK TO SEE IF EPR 13 WSING KOYOTO STANDARDS IN THIS IF YOU HELP HIM IN THIS THERE ARE VOTERS FOR MILLS AROUND WHO WILL REMEMBER YOU

THANKS



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

MAY 29 1998

OFFICE OF SOLID WASTE AND EMERGENCY RESPONSE

Honorable Mitch McConnell United States Senate Washington, DC 20510-1702

Dear Senator McConnell:

Thank you for your inquiry dated April 15, 1998 and the accompanying inquiry from your constituent, Ms. (Y) 1, about the federal requirements regarding underground storage tanks (USTs). She had mentioned that a gas station owner (Mr. Bobby Thomason) is being forced by the Environmental Protection Agency (EPA) to put in new tanks, and that he cannot afford the expense.

Let me begin by providing some background on the requirements for USTs. In 1984, Congress responded to the increasing threat to groundwater from leaking USTs by adding Subtitle I to the Resource Conservation and Recovery Act. This section of the law required the Environmental Protection Agency (EPA) to develop a comprehensive regulatory program for USTs. Congress directed EPA to publish regulations that would require owners and operators of new tanks and tanks already in the ground to do several things: prevent and detect leaks, cleanup leaks, and show financial responsibility for cleaning up leaks and compensating third parties for resulting damages. EPA promulgated the technical regulations for USTs on September 23, 1988, and the financial responsibility regulations on October 26, 1988.

These requirements are aimed at preventing releases from USTs. Such releases can and often do contaminate groundwater and thus may affect drinking water supplies. States have reported that UST releases are the most common source of groundwater contamination and that petroleum is the most common contaminant. In many instances, UST releases also have caused fires and explosions and resulted in the entry of gasoline fumes into schools, homes, and other buildings.

The specific requirement mentioned in Ms.:

note requires that USTs (installed before December 1988) be upgraded, replaced, or properly closed by December 1998. EPA had provided this long (ten year) lead time to allow tank owners sufficient time to plan on how and when to come into compliance. The enclosed copy of *Don't Wait Until 1998* explains the requirements in more detail.

Under EPA's regulations, USTs must be protected against spills, overfills, and corrosion, the most common causes of releases. Owners have a choice of ways to comply. Mr. Thomason may not have to replace his tanks. If the tanks are not already beyond repair, he could choose to upgrade them by adding a corrosion protection system, as well as spill containment and overfill prevention devices. This approach is farless expensive than replacing the tanks.

Before going ahead, Mr. Thomason should find out whether Kentucky's regulations will allow him to upgrade rather than replacing his tanks. In Kentucky, EPA's regulations are implemented and enforced by the Kentucky Division of Waste Management. For information about Kentucky's program and regulations, Mr. Thomason can call the Kentucky Division of Waste Management, UST Branch at 502-564-6716.

A number of Federal Agencies, including the Small Business Administration, and more than a dozen states have programs under which UST owners and operators may be able to obtain financial assistance for upgrading, replacing, or closing USTs. I am enclosing a booklet that provides additional information about these programs.

I hope that you will find this information useful. If you have any questions, Please do not hesitate to call me at 703-603-9900.

Sincerely,

Anna Hopkin's Virbick, Director
Office of Underground Storage

Office of Underground Storage Tanks

Enclosures



(In Archive) RE: lead follow up Dorton, Will (McConnell) to: Josh Lewis

02/15/2007 04:39 PM

From:

"Dorton, Will (McConnell)" <Will_Dorton@mcconnell.senate.gov>

To:

Josh Lewis/DC/USEPA/US@EPA

Archive:

This message is being viewed in an archive.

Thanks a lot Josh, I appreciate your help.

----Original Message----

From: Lewis.Josh@epamail.epa.gov [mailto:Lewis.Josh@epamail.epa.gov]

Sent: Thursday, February 15, 2007 4:38 PM

To: Dorton, Will (McConnell)

Subject: lead follow up

here's a link to the fact sheet we put out related to our lead staff paper. Note in particular the bullets on pp 2-3 describing the decrease in lead concentrations due to the phase out of lead in gasoline, etc.

http://www.epa.gov/ttn/naaqs/standards/pb/data/pb_sp_fs_120506.pdf

Josh Lewis

USEPA/Office of Congressional and Intergovernmental Relations

phone: 202-564-2095 fax: 202-501-1550

Fact Sheet: First Draft Staff Paper for Lead

Action

- On December 5, 2006, the Environmental Protection Agency (EPA) released its first Draft Staff Paper for Lead. This document is part of the Agency's ongoing review of the National Ambient Air Quality Standards (NAAQS) for lead (Pb).
- On or about December 15, 2006, EPA will release its draft Lead Human Exposure and Health Risk Assessments and Ecological Risk Assessment for Selected Areas (Pilot Phase).
 Together, these documents are the second step in the extensive scientific and technical assessment process EPA uses to review any national ambient air quality standard.
- The first step in that process is the preparation of an Air Quality Criteria Document, a
 comprehensive assessment of scientific data about the health and environmental effects
 associated with the pollutant under review -- in this case, lead. EPA released the final Air
 Quality Criteria for Lead in September 2006.
- Based on the information contained in the Air Quality Criteria Document for Lead, the draft Staff Paper includes assessments and preliminary analyses related to:
 - 1. air quality characterization,
 - 2. integration and evaluation of health information,
 - 3. human exposure analysis and health risk assessment, and
 - 4. evaluation and analysis of information on vegetation damage and other welfare effects.

This initial draft document does not include any conclusions or recommendations with regard to potential retention or revision of the lead NAAQS. EPA expects to release such conclusions and potential policy options for the Administrator's consideration in summer 2007.

- To date, the lead NAAQS review has followed EPA's historic approach to reviewing NAAQS, including issuing a criteria document and a first draft staff paper. The Agency is now moving forward to implement a new, more efficient process for conducting NAAQS reviews. EPA intends to transition to that new process during the course of the lead NAAQS review.
- The final policy assessment is intended to help "bridge the gap" between the scientific assessment contained in the Air Quality Criteria Document and the judgments required of the EPA Administrator in determining whether it is appropriate to retain or revise the NAAQS for lead.
- The draft Lead Human Exposure and Health Risk Assessments and Ecological Risk
 Assessment for Selected Areas (Pilot Phase) is a technical support document that will present

the initial results from a human exposure analysis, a health risk assessment, and an ecological risk assessment.

• The first Draft Staff Paper for Lead is available on the internet at: http://www.epa.gov/ttn/naaqs/standards/pb/s-pb-cr-sp.html. On or about December 15, 2006, the draft Lead Human Exposure and Health Risk Assessments and Ecological Risk Assessment for Selected Areas (Pilot Phase) will be available on the internet at: http://www.epa.gov/ttn/naaqs/standards/pb/s-pb-cr-td.html. EPA will accept public comment on these documents until February 5, 2007.

Background

- The Clean Air Act requires EPA to set National Ambient Air Quality Standards for "criteria pollutants." Currently, lead and five other major pollutants are listed as criteria pollutants. (The others are ozone, nitrogen oxides, carbon monoxide, sulfur dioxide, and particulate matter.) The law also requires EPA to periodically review the standards to ensure that they provide adequate health and environmental protection, and to update those standards as necessary.
- In response to a case filed by the Missouri Coalition for the Environment, the U.S. District Court, Eastern District of Missouri, Eastern Division, issued a decision in September, 2005 that a review of the lead NAAQS should be completed by September 1, 2008 (Missouri Coalition for the Environment vs EPA, Civil Action No. 4:04-CV-0066 (ERW) (E.D. Mo. Sept. 14, 2005)). The court-ordered schedule requires EPA to:
 - > finalize the Air Quality Criteria Document for Lead by October 1, 2006 (this date has been met);
 - > prepare a draft of the Staff Paper by January 1, 2007;
 - > finalize the Staff Paper no later than November 1, 2007;
 - > have the proposed rulemaking signed no later than May 1, 2008; and
 - > complete a final rulemaking by September 1, 2008.
- Lead is a metal found naturally in the environment as well as in manufactured products. The major sources of lead emissions have historically been motor vehicles (such as cars and trucks) and industrial sources. The magnitude of motor vehicle emissions was reduced dramatically with the phase out of leaded gasoline in the nation's motor vehicle gasoline supply. Some general aviation planes and racecars still use leaded fuel; additionally, lead is a trace contaminant in diesel fuel and gasoline. Larger industrial sources of lead emissions currently include, among other sources, metals processing, particularly primary and secondary lead smelters. EPA's lead air quality monitoring strategy generally focuses on areas surrounding these industrial sources.
- Lead concentrations in the air we breathe have decreased dramatically. From 1980 to 2005, the national annual maximum quarterly average has gone down 96%. Only 2 areas, the East Helena, MT Area including Lewis and Clark Counties, and part of Jefferson County in

Herculaneum, MO, are designated as not meeting the current National Ambient Air Quality Standards for lead. The industrial facility contributing to the lead problem in the East Helena area closed in 2001.

- In conducting this review, the Agency is aware of the dramatic alteration in the basic patterns of air lead emissions in the U.S. since listing lead as a criteria pollutant and establishing the 1978 lead NAAQS. As noted above, the reduction of lead in gasoline has resulted in dramatic reductions in airborne lead emissions and a significant shift in the types of sources with the greatest lead emissions. Further, the 1990 Clean Air Act Amendments, listed lead compounds as hazardous air pollutants under Section 112 which requires EPA to:
 - 1. establish technology-based (or "MACT") emission standards for listed source categories emitting lead compounds, and
 - 2. establish risk-based standards, as necessary, for those categories of sources for which EPA has issued MACT standards.

Given the significantly changed circumstances since lead was listed in 1976, this review will evaluate the status of lead as a criteria pollutant in light of currently available information and assess whether revocation of the standard is an appropriate option for the Administrator to consider.

Next Steps

- The Clean Air Science Advisory Committee (CASAC), a Congressionally mandated group of independent scientific and technical experts, will review the first Draft Lead Staff Paper and the draft Lead Human Exposure and Health Risk Assessments and Ecological Risk Assessment for Selected Areas (Pilot Phase) at a public meeting to be announced shortly in the Federal Register. This meeting will be open to the public.
- EPA will carefully review and consider comments received during both the public comment period and the upcoming CASAC meeting. The Agency expects to release conclusions and potential policy options for the Administrator's consideration, and a revised Lead Human Exposure and Health Risk Assessments and Ecological Risk Assessment for Selected Areas (Pilot Phase) in summer 2007.

How to Comment

- EPA will accept comment on the first Draft Lead Staff Paper and the draft Lead Human
 Exposure and Health Risk Assessments and Ecological Risk Assessment for Selected Areas
 (Pilot Phase) through February 5, 2007. Comments, identified by Docket ID No. EPA-HQ OAR-2006-0735, may be submitted by one of the following methods:
 - 1. www.regulations.gov: follow the on-line instructions for submitting comments.
 - 2. E-mail: Comments may be sent by electronic mail (e-mail) to a-and-r-Docket@epa.gov, Attention Docket ID No. EPA-HQ-OAR-2006-0735.
 - 3. Fax: Fax your comments to: 202-566-1741, Attention Docket ID. No. EPA-HQ-

OAR-2006-0735.

- 4. Mail: Send your comments to: Air and Radiation Docket and Information Center, Environmental Protection Agency, Mail Code: 6102T, 1200 Pennsylvania Ave., NW, Washington, DC, 20460, Attention Docket ID No. EPA-HQ-OAR-2006-0735.
- 5. Hand Delivery or Courier: Deliver your comments to: EPA Docket Center, 1301 Constitution Ave., NW, Room 3334, Washington, DC. Such deliveries are only accepted during the Docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information.

MITCH McCONNELL

361-A RUSSELL SENATE OFFICE BUILDING WASHINGTON, DC 20510-1702 (202) 224-2541

United States Senate

06-000-2354 MAJORITY WHIP

COMMITTEES AGRICULTURE

APPROPRIATIONS
SUBCOMMITTEE ON FOREIGN OPERATIONS

RULES AND ADMINISTRATION

January 31, 2006

The Honorable Stephen Johnson Administrator Environmental Protection Agency 1200 Pennsylvania Avenue, NW Washington, D.C. 20460-0001

Dear Administrator Johnson:

I am writing on behalf of a constituent who has contacted me regarding the Toxic Release Inventory. I would appreciate your review and response to my constituent's concerns.

I have enclosed a copy of my constituent's correspondence, for your information. Please direct any inquiries and all relevant information to Pam Simpson in my Washington, D.C. office.

Thank you for your time and assistance. I will look forward to receiving your response.

Sincerely,

MITCH McCONNELL

UNITED STATES SENATOR

MM/PS

View f:\emailobj\200511\8\111730225.txt

From:

... (H)

Date:

11/17/2005 3:01:16 AM

To:

webmail@mcconnell-iq.senate.gov

Subject:

www_email

louisville, KY

November 16, 2005

The Honorable Mitch McConnell United States Senate 361A Russell Senate Office Building Washington, DC 20510-1702

Senator McConnell:

Dear Sir or Madam:

I am writing in support of the Toxics Release Inventory, a critical tool for providing communities and investors with reliable data on corporate toxic emissions. The EPA recently proposed changes to the Toxics Release Inventory that I believe would make it less effective in providing detailed, timely data on toxic pollution.

As a socially responsible investor, I believe that this information is essential in monitoring the environmental performance of U.S. companies. TRI data allows investors to identify those companies that are the worst polluters, and to compare corporate performance within and across industry sectors. This data has helped investors to make informed decisions, and to identify both risks and opportunities presented by corporate environmental performance.

I am writing to ask you to keep the requirement that facilities must report their toxic releases annually, rather than once every two years. I also ask that the EPA withdraw its proposal to revise the reporting threshold on certain chemicals, which would allow facilities to release ten times as much pollution before triggering requirements to report on the quantity of toxic chemicals released.

Sincerely,

Ma

This message has been verified by CapwizXC as authentic and sent by this individual. Authentication ID: [44mqtyb8]



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

MAR 0 1 2006

OFFICE OF ENVIRONMENTAL INFORMATION

The Honorable Mitch McConnell United States Senate Washington, DC 20510

Dear Senator McConnell:

Administrator Stephen L. Johnson has asked me to respond to your letter dated January 31, 2006, which enclosed an e-mail from one of your constituents, Ms. regarding the Environmental Protection Agency's (EPA) Toxics Release Inventory (TRI) Program. Ms. provided comments about the TRI Burden Reduction Rule published on October 4, 2005, and EPA's intent to explore a potential modification in the reporting frequency under TRI.

The TRI Burden Reduction Proposed Rule is part of EPA's effort to reduce the TRI reporting burden on regulated facilities, without jeopardizing the Agency's ability to provide valuable information on toxic releases to the public. The proposed rule would expand the use of the TRI Form A Certification Statement for facilities that report small quantities of toxic chemicals, rather than requiring them to submit the more detailed Form R, thereby reducing the reporting burden on these facilities. EPA will carefully consider all the comments it has received as it develops the final rule.

In addition to the proposed rule, EPA published a notice in the *Federal Register* on October 4, 2005, that stated the Agency's intent to explore potential approaches for modifying the frequency of reporting by facilities that report to the TRI Program. Before modifying the TRI reporting frequency, EPA is required by the Emergency Planning and Community Right-to-Know Act (EPCRA) to determine that such a change would be consistent with the purposes of TRI as outlined in the statute. In the coming months, EPA will engage stakeholders in a dialogue to determine whether continued annual reporting is the best way to achieve the goals of the TRI Program, or whether a modification in the reporting frequency could help EPA reduce reporting burdens while delivering more valuable TRI data and services. EPA will carefully consider all comments it receives before deciding whether to initiate a formal rulemaking to modify the TRI reporting frequency.

If you have any further questions, please contact me or have your staff contact James Blizzard in EPA's Office of Congressional and Intergovernmental Relations at (202) 564-1695.

Sincerely,

Linda A. Travers

Acting Assistant Administrator and Chief Information Officer

06-012-0340

MITCH MCCONNELL

361-A RUSSELL SENATE OFFICE BUILDING WASHINGTON, DC 20510-1702 (202) 224-2541

United States Senate

MAJORITY WHIP COMMITTEES AGRICULTURE

APPROPRIATIONS
SUBCOMMITTEE ON FOREIGN OPERATIONS

RULES AND ADMINISTRATION

November 20, 2006

Ms. Erin Collard
Office of Wetlands, Oceans and Watersheds
U.S. Environmental Protection Agency
Room 7136G, Mail Code 4501T
1301 Constitution Avenue, NW
Washington, D.C. 20004

Dear Ms. Collard:

I write to express my support for the application submitted by the City of Russellville for funding under the Targeted Watersheds Grant Program (CFDA #66.439).

The City of Russellville seeks funds to protect Spa Lake, a multi-purpose lake that not only serves as the primary source of water for a major local industry but also provides flood protection to the community, recreation benefits to area residents and a natural habitat for wildlife. The 240-acre impoundment was constructed in 1975, and last year, officials discovered a sinkhole adjacent to the dam. Testing has revealed a seepage problem that threatens the structural integrity of the impoundment.

The Spa Lake Watershed Protection Project aims to eliminate leaks and preserve one of the area's most valuable watershed resources. Officials believe that doing so will protect the ecology of Spa Lake and downstream pools, prevent erosion within the impoundment and downstream, and permit continued recreational activities at the lake. The Natural Resource Conservation Service and the Commonwealth of Kentucky are partners in this project. I hope you will realize the importance of this initiative to Kentucky and give appropriate consideration to the application.

Thank you for your time and attention to this matter.

Sincerely,

UNITED STATES SENATOR

MM/bdb

DECE VE

DEC 1 2 2006

OFFICE OF CONGRESSIONAL AND INTERGOVERNMENTAL RELATIONS



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

DEC 0 7 2023

OFFICE OF WATER

The Honorable Mitch McConnell United States Senate Washington, D.C. 20510-1702

Dear Senator McConnell:

Thank you for your letter of November 20, 2006, to the Environmental Protection Agency (EPA) regarding the City of Russellville's application for assistance under the Agency's Targeted Watersheds Grant program. We assure you that the City of Russellville's proposal will receive every consideration within the Agency's assistance agreement guidelines and regulations. We have a rigorous screening and review process to ensure that all applications are handled fairly and according to the criteria set forth in the formal Request for Proposals (RFP).

Additional information about the Targeted Watersheds Grant program, including the RFP, can be found on EPA's Web site at: www.epa.gov/twg. We are also pleased to provide you with the most recent report for the program, which highlights how collaborative partnerships are driving important water quality improvements throughout our country.

Again, thank you for your letter. If you have further questions, please contact me or your staff may call Mr. Tom Dickerson in EPA's Office of Congressional and Intergovernmental Relations at (202) 564-3638.

Sincerely,

Benjamin H. Grumbles Assistant Administrator

Enclosure

cc: Marjan Peltier, EPA Region 4

Mank

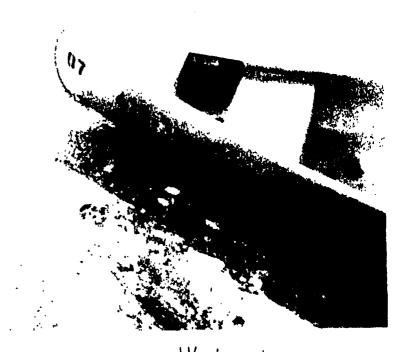
ISAS LARGETED WATERSHED GRANTS 2005 ANNUAL REPORT













Many Faces, Many Reasons, One Matershed

MITCH MCCONNELL

317 RUSSELL SENATE OFFICE BLILDING WASHINGTON, DC 20510-1702 (202) 224-2541

United States Senate

REPUBLICAN LEADER

COMMITTEES:
AGRICULTURE

APPROPRIATIONS

RULES AND ADMINISTRATION

May 10, 2011

The Honorable Lisa Jackson Administrator Environmental Protection Agency 1200 Pennsylvania Avenue NW Washington, D.C. 20460

Dear Administrator Jackson:

I am writing to you on behalf of one of my constituents, Mr. Robert Y. Harper, President of Hopkinsville Milling Company. Mr. Harper requests that you take steps to ensure that the methods and chemicals used in fumigating mills are safeguarded.

Enclosed with this letter you will find a copy of Mr. Harper's letter. Please enquire into this matter, and I look forward to your reply.

Thank you for taking the time to address this concern.

Sincerely,

MITCH McCONNELL

UNITED STATES SENATOR

MM/cc



HOPKINSVILLE MILLING COMPANY

HOPKINSVILLE

P.O. BOX 669 KENTUCKY 42241-0869

PHONE (270) 886-1231 FAX (270) 886-6407

MANUFACTURERS OF FLOUR AND CORN MEAL'

Dear Senator McConnell:

I appreciated the time that your aides, Eric King, Chris Carson, and Talmadge Hocker, accorded me during a recent visit to Washington. At their request, I am writing to you to request your assistance with a matter we discussed.

As we have discussed several times over the years, the grain milling industry depends on occasional structural furnigations in order to maintain sanitary facilities acceptable to the Food and Drug Administration, our customers, and consumers. We have been using two chemicals lately: methyl bromide (MB) and sulfuryl fluoride (SF). Currently, the Environmental Protection Agency is threatening to ban both of them. We need to have one or the other available to us.

Under the terms of the United Nations' Montreal Protocol, EPA has been phasing out MB since 2005. The milling industry has been able to obtain a critical use exemption through a Protocol mechanism, but each year we have received fewer pounds than the year before. Over the past decade, the industry has reduced its use by 90%. In 2011 millers will have access to about 236,000 pounds of MB, 118,000 pounds in 2012 and a mere 40,000 pounds in 2013. That is only enough to conduct about 40 fumigations, even though there are more than 170 mills in the US.

For a long time, there was no alternative chemical, but in the last few years, the EPA has touted sulfuryl fluoride as the only registered chemical replacement. While it is more expensive than methyl bromide and requires a greater quantity to do the same job, it will accomplish the task of fumigating a mill without damaging the building or equipment. Because of the reduced availability of methyl bromide, many millers have used sulfuryl fluoride in the last year or so.

Now, though, the EPA has proposed revoking the tolerance for SF residues in food, effectively banning the compound. The concern seems to be that certain segments of the population are at risk for over-fluoridation due to naturally high levels of fluorine in their drinking water. EPA admits the residues from sulfuryl fluoride contribute only miniscule amounts of fluoride to the population, especially since they would only be present on the pounds of flour present in the mill at the time of fumigation. There are no other viable chemicals or methods for fumigating mills available in the United States.

I would like to request that you ask the EPA to take steps to ensure that one or the other of these critical chemicals remains available to the milling industry, so that we can continue to provide sanitary product that meets FDA standards and is acceptable to consumers. I also ask that you share your concerns with Agriculture, Nutrition and Forestry Committee Chairwoman Stabenow and Ranking Member Roberts.

Thank you for your consideration and assistance.

Sincerely.

Robert Y. Harper

President

c: Eric King, Chris Carson, Talmadge Hocker



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY WASHINGTON, D.C. 20460

JUL - 1 2011

OFFICE OF CHEMICAL SAFETY AND POLLUTION PREVENTION

The Honorable Mitch McConnell United States Senate Washington, D.C. 20510

Dear Senator McConnell:

Thank you for your letter of May 10, 2011, to U.S. Environmental Protection Agency Administrator Lisa P. Jackson, on behalf of your constituent, Mr. Robert Y. Harper, regarding sulfuryl fluoride and methyl bromide. I am responding on behalf of the agency since my office is responsible for regulating pesticides.

Methyl bromide is a fumigant that depletes the stratospheric ozone layer. Its use has been phased out pursuant to the United States' obligations under the Montreal Protocol on Substances that Deplete the Ozone Layer and the Clean Air Act. Some limited use is still permitted under the Quarantine and Preshipment exemption, to eliminate quarantine pests, and under the Critical Use Exemption (CUE), for agricultural uses with no technically or economically feasible alternatives. As Mr. Harper notes, the number of pounds of methyl bromide permitted for use under CUEs is decreasing, and ultimately the milling industry will need to transition to an alternative treatment method.

Sulfuryl fluoride is a fumigant that breaks down to form fluoride when it is applied and can leave fluoride residues on treated food. In 2004, the Fluoride Action Network (FAN) filed an objection to the sulfuryl fluoride tolerances and requested a hearing, arguing that aggregate exposure to fluoride is not safe under section 408 of the Federal Food, Drug, and Cosmetic Act (FFDCA). As part of its response to the FAN objections EPA's Office of Pesticide Programs (OPP) reviewed and updated its assessment of the risks of sulfuryl fluoride.

Under the FFDCA, EPA may establish and retain in effect tolerances for pesticide residues on food only if "aggregate exposure" (e.g., exposures from food and other non-occupational sources such as drinking water and dental products) to major identifiable subpopulations is "safe." The FFDCA defines "safe" as "a reasonable certainty of no harm." Based on the current science on fluoride, EPA has concluded that aggregate fluoride exposure for infants and children under the age of seven who live in areas where drinking water contains high levels of natural fluoride exceeds safe levels. Because the sulfuryl fluoride tolerances do not meet the FFDCA safety standard, EPA must withdraw them.

EPA recognizes that sulfuryl fluoride is an important replacement for several post-harvest uses of methyl bromide and that many industries that previously relied on methyl bromide to control insect pests in stored and processed food commodities and in food processing and handling

facilities now depend on sulfuryl fluoride. For these reasons, EPA is proposing to allow several years for users to develop new treatment options. Under EPA's current proposal, tolerances for uses currently lacking alternatives would remain in place for three years following the issuance of the final decision, expected in 2012. In the interim, EPA will work with users of sulfuryl fluoride to identify potential alternatives.

EPA is currently accepting comments on the proposed decision on sulfuryl fluoride through July 5, 2011. Mr. Harper's comments have been placed in the docket for this action (EPA-HQ-OPP-2005-0174). Once the comment period closes, the agency will review all of the comments and consider whether to revise the decision or any of the supporting documents/assessments based on the public comments. EPA will also prepare a document summarizing the agency's response to the public comments.

Again, thank you for your letter. If you have further questions, please contact me, or your staff may call Sven-Erik Kaiser in EPA's Office of Congressional and Intergovernmental Relations at (202) 566-2753.

Sincerely

Stephen A. Owens

Assistant Administrator

MITCH MCCONNELL

317 RUSSELL SENATE OFFICE BUILDING WASHINGTON, DC 20510-1702 (202) 224-2541

United States Senate

12-601-1182
REPUBLICAN LEADER
COMMITTEES:

COMMITTEES: AGRICULTURE

APPROPRIATIONS

RULES AND ADMINISTRATION

June 22, 2012

The Honorable Lisa Jackson Administrator Environmental Protection Agency 1200 Pennsylvania Avenue NW Washington, D.C. 20460

Dear Administrator Jackson:

I am writing on behalf of a constituent, Mr. Jeffrey Hall, Plant Manager of Arkema's Calvert City, Kentucky facility, who has contacted me regarding an Environmental Protection Agency (EPA) rulemaking (EPA-HQ-OAR-2011-0354) to establish production, importation, and exportation allowances for certain HCFC refrigerants. I would appreciate your review and response to my constituent's questions and concerns.

I have enclosed a copy of my constituent's correspondence, for your information. Please direct any inquiries and all relevant information to Mr. Blake Deeley in my Washington, D.C. office.

Thank you for your time and assistance. I look forward to receiving your response.

Sincerely,

MITCH McCONNELL UNITED STATES SENATOR

MM/bd



June 20, 2012

Senator Mitch McConnell United States Senate 317 Russell Senate Office Building Washington, D.C. 20510

Dear Senator McConnell:

As Plant Manager of Arkema's Calvert City, Kentucky facility, I am writing to seek any assistance you might be able to provide regarding an Environmental Protection Agency (EPA) rulemaking (EPA-HQ-OAR-2011-0354) to establish production, importation, and exportation allowances for certain HCFC refrigerants during calendar years 2012, 2013, and 2014. This rule is critically important to Arkema, which operates thirty facilities in seventeen states that employ 2,500 people. In Calvert City, we have the newest operating refrigerant plant in America, which provides over 300 jobs and is an important part of the local economy.

EPA started the rulemaking last January as a result of a decision handed down by the U.S. Court of Appeals for the District of Columbia Circuit. In that case, Arkema v. EPA, the Court ruled that a prior allocation had improperly deprived Arkema of HCFC allowances. Vacating that rule, the Court directed EPA to take "prompt" corrective action. Unfortunately, we are now approaching the two-year anniversary of the Court's decision without a resolution—even for calendar year 2012, which already is almost half gone—and we are very concerned that a final rule is still many months away.

The continued delay on the part of EPA in finalizing a reallocation plan in compliance with the terms of the D.C. Circuit's ruling creates tremendous business uncertainty for Arkema and our customers, as well as other HCFC producers and users. This uncertainty prevents the industry from making informed plans and investments. Arkema would very much appreciate any assistance that you may be able to provide in ensuring that EPA takes all appropriate corrective actions (including making the adjustments needed to give Arkema the benefit of the allowances that EPA improperly had distributed to other HCFC producers) in accordance with the Court's directives as quickly as possible.

Please do not hesitate to contact me if I can provide any additional information or if you have any questions. Thank you, in advance, for your consideration.

Sincerely,

Mr. Jeffrey Hall Plant Manager

Arkeme Inc. P.O. Box 187

Calvert City, KY 42029-0187 Tel. 1 270 395 7121 www.arkemagroup.com



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

AUG 1 5 2012

The Honorable Mitch McConnell United States Senate Washington, D.C. 20510-1702

OFFICE OF AIR AND RADIATION

Dear Senator McConnell:

Thank you for your June 22, 2012, letter regarding the U.S. Environmental Protection Agency's proposal to establish allowances for the production and import of hydrochlorofluorocarbon (HCFC)-22 in 2012-2014. Your letter encourages the EPA to consider the concerns of your constituent, who is a plant manager at Arkema's facility in Calvert City, Kentucky.

In the recent Arkema v. EPA litigation, the U.S. Court of Appeals for the D.C. Circuit vacated the HCFC-22 and HCFC-142b allowances that EPA had finalized in December 2009. Those allowances permitted companies to import or produce HCFCs in 2010-2014. To respond to this judgment, which was finalized in February 2011, the EPA must issue new allowances to replace those vacated by the court. Our first step in response to the court's decision was to publish an interim rule providing allowances for 2011.

On January 4, 2012, the EPA proposed to provide HCFC production and import allowances for 2012-2014. As a result of the *Arkema* litigation, no production allowances exist until a final rule is published. Consequently, the EPA sent a letter on January 20, 2012, to companies that would receive allowances in the final rule. The letter allows them to continue importing and producing the minimum proposed amount of HCFC-22 until a final rule is in place. The EPA took this action to prevent disruption without prejudging the outcome of our review of comments on the proposal.

We recognize the concerns your constituent raises in his letter and are working to finalize the 2012-2014 rule as quickly as possible.

Again, thank you for your letter. If you have further questions, please contact me, or your staff may call Josh Lewis in the EPA's Office of Congressional and Intergovernmental Relations at (202) 564-2095.

Sincerely,

2.46 Pecal, Donaty, for

Gina McCarthy Assistant Administrator

06-601-0134

MITCH McCONNELL

361-A RUSSELL SENATE OFFICE BUILDING WASHINGTON, DC 20510-1702 (202) 224-2541

United States Senate

MAJORITY WHIP

COMMITTEES

AGRICULTURE

APPROPRIATIONS

SUBCOMMITTEE ON FOREIGN OPERATIONS

RULES AND ADMINISTRATION

June 5, 2006

The Honorable Stephen Johnson Administrator Environmental Protection Agency 1200 Pennsylvania Avenue, NW Washington, D.C. 20460-0001

Dear Administrator Johnson:

I am writing on behalf of a constituent who has contacted me regarding the proposed revisions to the Ohio River Pollution Control Standards. I would appreciate your review and response to my constituent's concerns.

I have enclosed a copy of my constituent's correspondence, for your information. Please direct any inquiries and all relevant information to Pam Simpson in my Washington, D.C. office.

Thank you for your time and assistance. I will look forward to receiving your response.

Sincerely,

MITCH McCONNELL

UNITED STATES SENATOR

MM/PS

Independence, R

05 MAY 26 AM 10 5

TO: Senator Mitch Me Connell 1885 Dispie Highway, Ste 345 It Wright, Ky 41041

Date: 5/8/06

Re: OR5ANCO

Pollution Control

Atandards

Copies for your reference/information for you

Reply/Acknowledge of Receipt requested

Note: () Hearing () Court Appearance () Deadline () Appointment on

Other:

Cuclosed please find a copy of my letter fo the

CRSANCO Commissioners which is their you will find

self applanatory. Please review it.

Whotever limitures you may have in this matter

of would hope you will prescove against revision of

current pollution control regulations and infavoral

of those who oppose were sing the Ohio Reach's

ERP-Ce

0. 0213

May 8, 2006

ORSANCO Commissioners: 5735 Kellogg Ave. Cincinnati, Ohio 45228

re: Pollution Control Standards

Dear Commissioners:

I was distressed to learn of your recent proposed revisions to your Ohio River Pollution Control Standards. I thought that your mandate was to clean-up the river, not dumb-down water quality. Now I learn that you want to:

- Eliminate all bacteria standards for recreational use when water velocity anywhere on the river exceeds 2 miles/hr., thereby multiplying by a factor of ten existing fecal coliform and E. Coli limits;
- 2. Increase allowable limits for the same pathogens on any single sample; and,
- 3. eliminate the single sample maximum currently in place of E. Coli.

What ever happened to the Clean Water Act's goals of swimmable and fishable waters? I've watched over a quarter of a century pass since studying that legislation in law school, waiting for our basin politicians and bureaucrats to take Congress' mandate seriously—without seeing it happen. Frankly, I'm angry with the Commission for wanting to take this step backwards. Even with the current standards swimming in the Ohio River gives you "pink-eye" (if you're lucky) and the fish are sufficiently toxic that you have to watch the fish advisories very closely to avoid poisoning yourself slowly.

As a lifetime resident of the valley who has fished, swam and canced that river, an Izaak Walton League member and officer for over ten years, and as an active Licking River Water Watch member for the same period, I am very frustrated to see ORSANCO selling-out when it should be helping-out the cause! Will my grandchildren even find it safe to handle fish out of the Ohio River, much less

eat them? It seems you're trying to make it impossible.

As a lawyer and student of politics for over thirty years,
I've come to understand well that "money talks" and political will
for protecting the common good is in short supply. Whose political
clout and big dollars is motivating you to make these proposals?
They are ill avised. I hope the Commission will reconsider and
withdraw them, and it will give greater consideration to restoring
a heritage that belongs to all of us who live in the Ohio valley.

Sincerely yours,

cc:Geoff Davis
Jim Bunning
Mitch McConnel

U.S. Senator

TCH McCONNI

Room 361-A Russell Senate Office Building

Phone: (202) 224-2541 FAX: (202) 224-2499

TO:

Pan Simpson

FROM:

PAGES TO FOLLOW:

RE:



N G T 0 N H I W S



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY REGION III 1650 Arch Street Philadelphia, Pennsylvania 19103-2029

JUL 11 2006

The Honorable Mitch McConnell United States Senate Washington, DC 20510

Dear Senator McConnell:

Thank you for your letter dated June 5, 2006 to the U.S. Environmental Protection Agency (EPA), on behalf of your constituent, Mr. (CA), regarding the Ohio River Valley Water Sanitation Commission's (ORSANCO) proposed revisions to its Pollution Control Standards for Discharges to the Ohio River that address wet weather issues.

While EPA does not directly approve ORSANCO's Pollution Control Standards, EPA reviewed ORSANCO's proposed revisions to the standards and provided comments to ORSANCO during the public comment period. Following the initial review of comments received, ORSANCO referred the standards revisions that address wet weather issues back to an internal workgroup for further review. After consideration of all comments, ORSANCO may revise the proposed standards, finalize the standards as proposed, or withdraw the proposed recommendation for adoption by the ORSANCO Commission. Each member state may adopt ORSANCO's Pollution Control Standards into its water quality standards during the state's triennial review, which are then submitted to EPA for review and approval under Section 303(c) of the Clean Water Act and EPA's water quality standards regulations at 40 CFR Part 131.21.

If you have any questions, please do not hesitate to contact me or have your staff contact Mr. Eric Carlson, EPA's Western Pennsylvania/West Virginia Liaison, at 304-234-0233.

Sincerely,

Donald S. Welsh
Regional Administrator

MITCH McCONNELL

361-A RUSSELL SENATE OFFICE BUILDING WASHINGTON, DC 20610-1702 (202) 224-2541

United States Senate

66-002-1321 -

COMMITTEES AGRICULTURE

APPROPRIATIONS
SUBCOMMITTEE ON FOREIGN OPERATIONS
CHAIRMAN

RULES AND ADMINISTRATION

December 7, 2006

Ms. Stephanie N. Daigle Congressional and Intergovernmental Relations Environmental Protection Agency 1200 Pennsylvania Avenue, NW Room 3426 ARN Washington, D.C. 20460-0001

Dear Ms. Daigle:

I am writing on behalf of a constituent who has contacted me regarding his invention of an "electronic magnetic motor". I would appreciate your review and response to my constituent's questions and concerns.

I have enclosed a copy of my constituent's correspondence, for your information. Please direct any inquiries and all relevant information to Will Dorton in my Washington, D.C. office.

Thank you for your time and assistance. I will look forward to receiving your response.

Sincerely,

MITCH McCONNELL

UNITED STATES SENATOR

Tel M. Lourell

MM/wd

	PACSIMILB TRANSMITTAL SHBET		
Mccomm	ell-SENATOR OF KY	PROM EXOL	
,	FAX NUMBER 202 - 224 - 2499	DATE	
	COMPANY	TOTAL NO. OF PAGES INCLUSING COVER.	
	PHONE NUMBER: 270 - 586-1848 RR	SENDRA'S REPHABINCH NUMBER	
	EMM	YOUR RIPERBNCE NUMBER: SAME	96 ABO
	QUAGENT POR REVIEW DPLEASE CO		
	LE UNGINY LEFOR REVIEW LIPLEASE CO	OMMENT PLEASE REPLY PLEASE	RECYCLE

06 OCT 19 PH 2: 40

W.le

Oct. 19, 2006

Dear Senator;

I have come up with a motor to replace the "gas powered" motors. It is environmentally safe.

I have been trying to get through to the E.P.A. with no response at this time.

This invention would bring a lot of jobs to KY and put our State on the map, as a leader in the fight against environmental pollution, and combat against the green house effect.

Enclosed is a copy of the letter I sent to the E.P.A., as I have already secured my invention.

Thank you for your time and any assistance you can give me to make this all happen, would be greatly appreciated.

Sincerely;

EX. Ce

September 22, 2006

Dear Sirs:

We know that the world's economy revolves around oil from the Middle East. We also know what the oil has done to our environment.

I have come up with an idea that I call the EMM. This is how it works:

The combustible engine works when gas is pushed together and a spark ignites the gases causing an explosion, thus pushing the piston in a downward motion, by doing this with cylinders it creates the motion of a "gas powered motor"; however the gases have to be released from the explosion.

With the EMM, the theory is the same except: THERE IS NO EXPLOSION, NO GASES, OR POLLUTION, TO GO INTO THE AIR. IT IS ENVIRONMENTALLY SAFE.

By taking the theory of a "gas powered" motor and placing a magnet on top of the piston and a "electric magnet" on top of the chamber of the cylinder of the piston, as the piston comes up and the two magnets come together, you send the power to the "electric magnet" causing the field to push the other magnet away. (The same theory of the explosion in a 'gas powered motor.") Energizing the magnet field with power at the exact right time is necessary for the maximum engine power, speed and smoothness.

You just turn the power on to fire up the motor, and the magnets do their job, turn off the power and the "magnetic field" is broken and will automatically stop the movement.

This will change the whole meaning of "step on the gas" to "step on the power".

At this time I have no money or backing to personally promote my idea, however, I was hoping that the EPA would have an environmental funding program to help save the Ozone and stop pollution.

With your support I believe my idea can help change the economy and help stop the green house effect from polluting our Earth.

The United States should be the leader in fighting against the destruction of our Earth from environmental pollution.

I believe with the EMM which stands for Electronic Magnetic Motor, we can make a difference.

I will be awaiting your reply ASAP.

-

(XQ · Ce



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY WASHINGTON, D.C. 20460

JAN 29 18

OFFICE OF AIR AND RADIATION

The Honorable Mitch McConnell United States Senate Washington, D.C. 20510-1702

Attention: Will Dorton

Dear Senator McConnell:

Thank you for your letter of December 7, 2006, on behalf of your constituent, Mr.

Expect regarding his idea for a magnetic motor to replace fossil fueled engines, and his request for funding to develop his idea.

The Environmental Protection Agency (EPA) does not directly influence the selection of vehicle propulsion technology. EPA establishes national emission standards while manufacturers decide what technologies provide the greatest potential for success in the market. We suggest that inventors contact engine manufacturers to determine if there is interest in their proposals.

To further assist your constituent's endeavors, he may wish to visit EPA's Small Business Innovative Research Program (http://es.epa.gov/ncer/sbir/) or to contact the program directly:

Office of Science Policy
Office of Research and Development
U.S. EPA
1200 Pennsylvania Avenue, N.W. - MC 8722F
Washington, D.C. 20460

Contact: Dr. Jim Gallup at 202-343-9703

Again, thank you for your letter. If you have further questions, please contact me or your staff may call Diann Frantz, in EPA's Office of Congressional and Intergovernmental Relations, at (202) 564-3668.

Sincerely,

William L. Wehrum

Acting Assistant Administrator

MITCH McCONNELL

361-A RUBSELL SENATE OFFICE BUILDING

WASHINGTON, DC 20510-1702

(202) 224-2541

0 7-000-5477

REPUBLICAN LEADER

COMMITTEES

AGRICULTURE

APPROPRIATIONS

RULES AND ADMINISTRATION

United States Senate

March 19, 2007

The Honorable Stephen Johnson Administrator Environmental Protection Agency 1200 Pennsylvania Avenue, NW Washington, D.C. 20460-0001

Dear Administrator Johnson:

I am writing on behalf of a constituent, Mr. Joseph A. Baust, Sr., who has contacted me regarding the Environmental Protection Agency's Environmental Education Office. Mr. Baust is concerned that this office may be closed.

I have enclosed a copy of my constituent's correspondence, and I would appreciate your review and response to her questions and concerns. Please direct any inquiries and all relevant information to Pam Simpson in my Washington, D.C. office.

Thank you for your time and assistance. I will look forward to receiving your response.

Sincerely,

MITCH McCONNELL

UNITED STATES SENATOR

MM/PS



College of Education
Center for Environmental Education
3201 Alexander Hall
Murray, KY 42071-3318
Phone (270) 809-2595 Fax (270) 809-3025

071155 13 711 6:08

March 2, 2007

Honorable Mitch McConnell Senator U.S. Senate 361-A Russell Senate Office Building Washington, D.C. 20510

Dear Senator McConnell:

We have received over the past eight years or so grants from the US EPA — Environmental Education Office in Washington \$260,000 that has gone in to the training of teachers and students in West Kentucky and to some degree across the Commonwealth. We have impacted 95,250 students and 3,545 teachers at a cost of \$2.63 per person with this training money.

The support of the Office of EE has thankfully been bipartisan. The good the grant program has been for us in Kentucky has been profound and has accomplished much good. Its was part of the Continuing Budget Resolution and we are grateful for that.

We are told that Stephan L. Johnson, their administrator and Marcus Peacock, their deputy administrator, are contemplating extinguishing this Office and the associated programs. This would be a blow to Kentucky and nationally to other States. The address of both persons is:

U.S. EPA, Ariel Rios Building, 1200 Pennsylvania Ave., N.W., Washington, DC 20460

I am writing to make you aware of the situation and the impact this would have upon Kentucky. I trust you may be able to be persuasive to these gentlemen that the Office of Environmental Education must stay open and functioning in a robust way. Whatever you may do to assist us in this regard would be appreciated.

Sincerely,

Joseph A. Baust, Sr., Ed.D.

Director/Professor

Enclosure



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY WASHINGTON, D.C. 20460

MAY - 3 2007

OFFICE OF THE CHIEF FINANCIAL OFFICER

The Honorable Mitch McConnell United States Senate Washington, DC 20510

Dear Senator McConnell:

Thank you for your letter of March 19, 2007, to Stephen Johnson, Administrator of the U.S. Environmental Protection Agency (EPA), sent on behalf of your constituent, Dr. Joseph A. Baust, expressing concern regarding funding for the Environmental Education Office at the EPA. I have been asked to respond to your letter on behalf of the Administrator.

EPA appreciates Dr. Baust's commitment to the improvement of environmental education in Kentucky and throughout the Nation. The FY 2007 President's Budget supports environmental education by funding a broad array of vital environmental programs, funds which are allocated to the agencies and organizations best suited for the efficient implementation of these programs. The Agency will continue to work in partnership with federal agencies, the states, and other stakeholders to promote effective programs that protect human health, the environment, and our communities.

Dr. Baust is concerned that funding for the Environmental Education Office at the EPA will be eliminated. In response to Dr. Baust's concerns that funding for the Environmental Education Office will be eliminated, the Agency continues to support the Environmental Education Office in its FY 2007 Budget by funding the total program at a level of \$5.6 million.

Again, thank you for your letter. If you have further questions, please contact me or your staff may call James Blizzard, in EPA's Office of Congressional and Intergovernmental Relations at (202) 564-1695.

Lyons Grav

Chief Financial Officer

NOV. 6. 2007 7: 29PM MITCH MCCONNELL

381-A Russell Senate Oppics Building Washington, DC 20510-1702 (202) 224-2541 ORDER SERVICE

07-001-8025

NO. 529 P. 2

REPUBLICAN LEADER

AGRICULTURE
APPROPRIATIONS

United States Senate

RULES AND ADMINISTRATION

November 6, 2007

The Honorable Stephen Johnson Administrator Environmental Protection Agency 1200 Pennsylvania Avenue, NW Washington, D.C. 20460-0001

Dear Administrator Johnson:

I write on behalf of one of my constituents, State Senator Richard L. Roeding. Senator Roeding is concerned about the Environmental Protection Agency's proposed revisions to ground level ozone standards.

I have enclosed a copy of Senator Roeding's correspondence, for your information. Please direct any inquiries and all relevant information to Allison Thompson in my Washington, D.C. office.

Thank you for your time and assistance. I will look forward to receiving your response.

Sincerely.

MITCH McCONNELL

UNITED STATES SENATOR

MM/at

NOV. 6. 2007 7:29PM

U.S. Senator

MITCH McCONNELL

Room 361-A
Russell Senate Office Building

Phone: (202) 224-2541

· FAX: (202) 224-2499

TO:

EPA Congressional Affairs

FROM:

Allison Thompson

PAGES TO FOLLOW:

RE:

Peace contact me at 228 0890 it

you have any questions. Thanks!





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

NOV 3 0 2007

OFFICE OF AIR AND RADIATION

The Honorable Mitch McConnell Attn: Allison Thompson United States Senate Washington, DC 20510-1702

Dear Senator McConnell:

Thank you for your letter of November 6, 2007, forwarding a letter from Kentucky State Senator Richard "Dick" Roeding regarding the Environmental Protection Agency's (EPA) review of the National Ambient Air Quality Standards (NAAQS) for ground-level ozone. The Administrator has asked me to respond to your letter.

In his letter, Senator Roeding refers to EPA's June 20, 2007 proposal to strengthen the ozone NAAQS. Specifically, EPA has proposed to strengthen the primary (health-based) ozone standard from the current level of 0.08 parts per million (ppm) (effectively 0.084 ppm due to rounding) to a level between 0.070 to 0.075 ppm. In addition, EPA has proposed two alternatives for revising the secondary (welfare-based) ozone standard: 1) establishing a new cumulative, seasonal standard; or 2) revising the secondary standard to be identical to the proposed primary standard.

EPA is aware of Senator Roeding's concerns, which he expressed directly to the Agency in a letter dated June 12, 2007. I have enclosed a copy of that letter, along with EPA's response, for your reference. We have forwarded Senator Roeding's comments and recommendations to the docket for this rulemaking (Docket ID No. EPA-HQ-OAR-2005-0172), so that the Administrator can take them into consideration as he moves toward a final decision by March 12, 2008.

As we noted in our response to Senator Roeding, EPA appreciates the importance of this decision to state and local areas. It is important to understand, however, that under the Clean Air Act, decisions regarding the NAAQS must be based solely on an evaluation of the health and environmental effects: EPA is prohibited from considering costs or ease of implementation in setting the NAAQS. However, once the Administrator has determined the appropriate level for the standards, costs are carefully considered as part of the implementation process.

Again, thank you for your letter. If you have further questions, please call me or your staff may contact Diann Frantz, in EPA's Office of Congressional and Intergovernmental Relations, at (202) 564-3668.

Sincerely,

Robert J. Meyers

Principal Deputy Assistant Administrator

Attachments

DAILY READING FILE



June 12, 2007

Mr. Stephen L. Johnson, Administrator U. S. Environmental Protection Agency Ariel Rios Building 1200 Pennsylvania Avenue, N.W. Washington, DC 20460

Dear Mr. Johnson:

As an elected representative of the people of Kentucky, I, the undersigned member of the Kentucky General Assembly, urge you to consider keeping the current 8-hour ozone standard on the table as an option in your upcoming proposal. I feel that lowering the standard would create a significant burden for numerous communities in our state.

At the present time, there are only seven Kentucky counties that fail to comply with EPA ozone requirements. If the 8-hour ozone standard were dropped to 0.06 ppm, an additional 47 counties would immediately fall into non-compliance. This would generate numerous problems for the cities and towns in those areas.

- Many of these communities are small and operate with limited resources. The additional
 costs to comply with lower ozone standards would severely strain municipal budgets.
- Federal funding for transportation infrastructure could be endangered. These funds are essential to providing the people of Kentucky with a safe, functional highway system.
- Economic activity and economic development would be hindered. This would eliminate
 jobs that currently exist and discourage new employers from locating in Kentucky. We
 all agree that people need clean air, but they also need an opportunity to work and
 provide for their families. Setting the ozone standard at an unreasonably low level would
 deny them that opportunity.

Mr. Stephen L. Johnson Page 2 June 12, 2007

The Commonwealth of Kentucky is serious about a cleaner environment. The Kentucky Division for Air Quality works closely with the EPA and with local officials across the state to give our citizens the highest quality natural environment possible. Lowering the 8-hour ozone standard would do nothing to enhance those efforts but would negatively impact the quality of life for a sizeable portion of our population. Please keep a broad range of policy options open for the future, including the current standard.

Brichard L. Reeding

Richard L. "Dick" Roeding, R.Ph.

State Senator

RR:jy



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY WASHINGTON, D.C. 20460

JUL - 2 2007

OFFICE OF AIR AND RADIATION

The Honorable Richard "Dick" L. Roeding Kentucky Senate Commonwealth of Kentucky 230 Capitol Annex Frankfort, Kentucky 40601-3486

Dear Senator Roeding:

Thank you for your letter of June 12, 2007, regarding the Environmental Protection Agency's (EPA) review of the national ambient air quality standards (NAAQS) for ozone. The Administrator asked that I respond to your letter.

On June 20, 2007, the Administrator signed a proposal regarding revisions to the national ambient air quality standards for ozone. Specifically, EPA has proposed to strengthen the primary (health-based) ozone standard from the current level of 0.08 ppm (effectively 0.084 ppm due to rounding) to a level between 0.070 to 0.075 ppm. EPA has requested comment on alternative levels of the 8-hour primary ozone standard, within a range from 0.060 ppm up to and including retention of the current standard. In addition, EPA has proposed two alternatives for revising the secondary (welfare-based) ozone standard: 1) establishing a new cumulative, seasonal standard; or 2) revising the secondary standard to be identical to the proposed primary standard. The Administrator based his decisions in this proposal on a thorough review of the best available science. The complete proposal, along with accompanying explanatory information, is available on the web at http://www.epa.gov/groundlevelozone.

Your comments and recommendations have been forwarded to the docket for this rulemaking (Docket ID No. EPA-HQ-OAR-2005-0172), and will be taken into consideration as we move forward in the review process. EPA appreciates the importance of this decision to State and local governments. Under the Clean Air Act, decisions regarding the NAAQS must be based solely on an evaluation of the health and environmental effects evidence. EPA is prohibited from considering costs or ease of implementation in setting the NAAQS. I encourage you to continue to provide the Agency with any scientific information that you believe to be important for the Administrator to consider as we move toward a final decision by March 12, 2008.

Again, thank you for your letter. I appreciate the opportunity to be of service and trust the information provided is helpful. If you have any further questions please contact me or have your staff contacts Diann Frantz in our Office of Congressional and Intergovernmental Relations at (202) 564-3668.

Sligabeth Craig

Robert J. Meyers

Acting Assistant Administrator

MITCH MCCONNELL KENTUCKY

361-A RUSSELL SENATE OFFICE BLILDING WARHINGTON, DC 20510-1702 (202) 224-2841

0 8-000-6724

REPUBLICAN LEADER

AGRICULTURE

APPROPRIATIONS

RULES AND ADMINISTRATION

May 15, 2008

The Honorable Stephen Johnson Administrator Environmental Protection Agency 1200 Pennsylvania Avenue, NW Washington, D.C. 20460-0001

Dear Administrator Johnson:

I write on behalf of the Northern Kentucky Chamber of Commerce. It is my understanding that they have requested a meeting with EPA officials to discuss the Clean Water Act.

United States Senate

I have enclosed a copy of this organization's correspondence outlining their request for your review, and I respectfully request that your staff find time to meet with them. Mr. Steve Stevens, President of the Northern Kentucky Chamber of Commerce, can be reached at 859.578.8800 to discuss an appropriate time to meet,

Thank you for your time and assistance. If you have any questions about this matter, please do not hesitate to contact Allison Thompson of my staff at 202-225-2541.

Sincerely.

MITCH McCONNELL

UNITED STATES SENATOR

MM/at



May 12, 2008

By Facsimile Transmission

The Honorable Mitch McConnell United States Senator 1885 Dixie Highway, Suite 346 Fort Wright, Kentucky 41011

The Honorable Jim Bunning United States Senator 1717 Dixle Highway, Suite 220 Fort Wright, Kentucky 41011

The Honorable Geoff Davis United States House of Representatives 277 Buttermlik Pike Fort Mitchell, Kentucky 41017

Dear Senator McConnell, Senator Bunning and Congressman Davis:

With deep respect, we contact you to request the assistance of you and your staff to better understand and resolve a growing economic development hurdle of our Northern Kentucky developers.

Just today, ten local developers met in dur offices and described a very serious situation in which they are making significant attempts to comply with the federal Clean Water Act, but face confusing multi-jurisdictional directives from enforcement agencies at the local, state and federal level. In multiple instances. they were able to document inconsistent, perhaps even contradictory, enforcement actions that translate into lost time and lost investment, at a time when development is slowing in our region.

To be specific, we ask that you and your staffs assist us by having representatives from the U.S. EPA Region IV office come to Northern Kentucky to discuss these enforcement uncertaintles in an open and frank manner. We are confident that you and your staff can determine which individuals are best suited to attend such a meeting.

Leading Businesses, Leading Communities www.nkychamber.com 300 Buttermilk Pilos, Suite 320

#\$9.578_##00 \$59.578.2802 fax

808 ON



Honorable Mitch McConnell Honorable Jim Bunning Honorable Geoff Davis page two

in our meeting today, it was clear that our icoal developers, who also perform similar work in Ohio, have not experienced the same enforcement uncertainty on their projects on the north side of the Ohio River. As you know quite well, Ohio based development projects are subject to regulatory review of the U.S. EPA office located in Ohicago, not Atjanta.

In making this request, we pledge to you and your statts to be professional and constructive. In fact, we would be happy to coordinate the scheduling of such a meeting within the next three or four weeks, and we would work to have representatives of the Kentucky Department of Water Quality (state) and Sanitation District #1 (local) in attendance, as well.

Thank you, in advance, for your consideration of this request.

Sincerely.

Steve Stevens, CCE President

Co: Richard L. Robinson, Chair of The Board Mr. Adam Howard, Senator McConnell Mr. John Salyers, Senator Bunning Ms. Tami Wilson, Representative Bunning

LEADing Businesses. Leading Communities'
www.hkychamber.com
300 Businemik Ples, Suike 530
P.O. Bus 17416
B 539,578,8800
D Minchell KY 41077
B 539,578,8802 fee

U.S. Senator

MITCH McCONNELL

									•			
Room 361-A Russell Senate Office Building					Phone: (202) 224-254 FAX: (202) 224-249					541 499		
TO:	EP	AC	ona	rese	ional	Pela	tions	,		:		
FROM:	A	1450	<i>W</i> 2	Thor	ups	, fela M			PAGI FOL	ES TO LOW:	3	
RE:					V				•			
			,				•					
. •	· · ·	:										
				,								
•				(E	D	Si	A		•			
			NND		***	***			. •			
			n ×		U			×				
	•	:	(1 600		/.x					
		٠.		6.	E N	AT	y /	٠.				
1	·		-									
	V	A ,	S	H	I	N	G	T	0	N	i e	

MITCH McCONNELL KENTUCKY

381-A RUSSELL SENATE OFFICE BUILDING WASHINGTON, DC 20510-1702 (202) 224-2541 0 8-601-3998

REPUBLICAN LEADER

COMMITTEES: AGRICULTURE

APPROPRIATIONS

RULES AND ADMINISTRATION

United States Senate

October 23, 2008

The Honorable Stephen Johnson Administrator Environmental Protection Agency 1200 Pennsylvania Avenue, NW Washington, D.C. 20460-0001

Dear Administrator Johnson:

I write on behalf of Somerset Energy Refining LLC who has contacted me regarding diesel fuel and gasoline benzene compliance deadlines. I would appreciate your review and response to this company's questions and concerns.

I have enclosed a copy of my constituent's correspondence, for your information. Please direct any inquiries and all relevant information to Allison Thompson in my Washington, D.C. office.

Thank you for your time and assistance. I will look forward to receiving your response.

Sincerely,

MITCH McCONNELL

UNITED STATES SENATOR

MM/at





October 23, 2008

VIA ELECTRONIC MAIL

Senator Mitch McConnell United States Senate 361-A Russell Senate Office Building Washington, DC 20510

Dear Senator McConnell:

On October 24, 2008, Somerset Energy Refining LLC, has the opportunity to purchase The Somerset Refinery, Inc. out of bankruptcy and thereby revitalize an important employer and fuel producer in Somerset, Kentucky. To do so, the new refining entity will require certain compliance deadlines to stay in place under two fuels programs – diesel fuel and gasoline benzene (40 CFR Part 80, subparts I and L). The refinery's current compliance dates under these programs would not apply to a purchaser of the refinery unless relief is granted by EPA under the hardship provisions of the fuels regulations.

SER has requested hardship relief in the attached letters to Ms. Margo Oge. However, given the pressing deadline imposed by the bankruptcy court, SER requests any assistance you may be able to offer to secure hardship relief from EPA in the timeframe set by the court. If SER does not acquire the refinery, its assets will be sold and the local economy will suffer the loss of hundreds of jobs and a local source of fuel. We appreciate any assistance you may be able to offer to avoid this outcome.

Please call me if you have any questions.

Very truly yours,

Mr. Jan C Acrea Manager

Enclosures

cc: Mr. Michael Grunberg (via electronic mail)
Ms. Susan Donahue (via electronic mail)

Mark Altschul, Esquire (via electronic mail)

¹ Grunberg Oil LLC is the bankruptcy court approved bidder for the assets of Somerset Oil, Inc., including its petroleum refinery in Somerset, Kentucky. Somerset Energy Refining LLC has been formed and will acquire the refinery assets.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

DEC 0 5 2008

OFFICE OF AIR AND RADIATION

The Honorable Mitch McConnell United States Senate Washington, D.C. 20510-1702

Dear Senator McConnell:

Thank you for your letter dated October 23, 2008, supporting the application submitted by Somerset Energy Refining, LLC (SER) to the U.S. Environmental Protection Agency (EPA) for hardship relief, pursuant to 40 CFR 80.1335 of the Gasoline Benzene program. This important program is designed to significantly reduce emissions of benzene and other hazardous air pollutants ("mobile source air toxics") from passenger vehicles and portable fuel containers. Benzene is a known human carcinogen and mobile sources are responsible for the majority of benzene emissions.

Our gasoline benzene program includes provisions in 40 CFR 80.1335 allowing refiners to seek temporary relief from the benzene standards, based on a showing of unusual circumstances that impose extreme hardship and significantly affect the refinery's ability to comply by the required date, as well as other factors. A refiner applying for hardship relief must also demonstrate that it has made its best efforts to comply with the requirements.

SER filed a "Request for Temporary Relief from MSAT2 Benzene Standards" with EPA on October 21, 2008. EPA has carefully considered all of the information in this application for hardship relief, along with additional information provided by SER. After our review, we have provided SER with appropriate hardship relief.

Again, thanks for your letter. If you have further questions, please contact me or your staff may call Diann Frantz, in EPA's Office of Congressional and Intergovernmental Relations, at 202-564-3668.

Sincerely.

Robert J. Meyers

Principal Deputy Assistant Administrator

MITCH McCONNELL KENTUCKY

361-A RUSSELL SENATE OFFICE BUILDING WASHINGTON, DC 20510-1702 (202) 224-2541

06-001-6048

United States Senate

MAJORITY WHIP COMMITTEES

AGRICULTURE

APPROPRIATIONS SUBCOMMITTEE ON FOREIGN OPERATIONS

RULES AND ADMINISTRATION

September 13, 2006

The Honorable Stephen Johnson Administrator **Environmental Protection Agency** 1200 Pennsylvania Avenue, NW Washington, D.C. 20460-0001

Dear Administrator Johnson:

I am writing on behalf of a constituent who has contacted me regarding the regulation of agriculture dust under the National Ambient Air Quality Standards of the Clean Air Act. I would appreciate your review and response to my constituent's questions and concerns.

I have enclosed a copy of my constituent's correspondence, for your information. Please direct any inquiries and all relevant information to Pamela Simpson in my Washington, D.C. office.

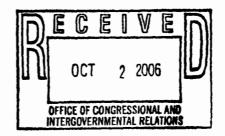
Thank you for your time and assistance. I will look forward to receiving your response.

Sincerely,

MITCH McCONNELL

UNITED STATES SENATOR

MM/PS



, while

June 27, 2006

The Honorable Mitch McConnell United States Senate 361A Russell Senate Office Building Washington, DC 20510-1702

Dear Senator McConnell:

The Environmental Protection Agency (EPA) is currently considering regulating agriculture dust under the National Ambient Air Quality Standards of the Clean Air Act. If this happens, dust produced by tilling soil, planting and harvesting crops, driving on dirt roads, cattle romping in feedlots, spreading of nutrients on fields, outdoor storage of bulk materials and feed mixing is among the dust that could be regulated by the end of this year. As a cattle producer from your state, I urge you to help prevent this overregulation!

Regulation of this dust is supposed to be based on a scientific showing of substantial adverse health effects caused by dust. This issue has been studied for more than 30 years, and there is no evidence that agriculture dust causes adverse health effects at ambient levels. Nevertheless, the EPA may decide to regulate agriculture dust anyway.

I do not understand what the purpose of this regulation would be. It would impose huge costs on agriculture and provide little or no public health benefit.

This outcome would be unfair to my family and me. We have spent our lives working hard to build an economically viable operation, and this regulation could put us out of business. I think my familys operation is an important contributor to the economy of our state and this country, and I simply cannot understand why our federal government would consider shutting us down for no reason.

I also understand that EPA is proposing to regulate urban dust based on health data that is weak, uncertain, limited and not even adequate to support a health risk assessment, since the data did not fulfill the minimum requirements for such assessments. This data clearly does not provide the adequate basis that Congress intended for regulation of dust

in urban or rural areas.

I urge you to contact EPA, and tell them not to regulate urban or rural dust under the National Ambient Air Quality Standards of the Clean Air Act unless and until the science shows that this dust causes substantial adverse health effects at ambient levels.

Attached below, please find a brief background describing the issue in more detail. In addition a letter was sent from U.S. Department of Agriculture Secretary Michael Johanns to Environmental Protection Agency Administrator Steve Johnson in July 2005 agreeing with the position that current health studies do not indicate a need to regulate dust at this time. Please contact USDA to get a copy of this letter.

Thank you for your consideration of this request.

Overview of Coarse Particulate Matter Regulation and Agriculture

I. Introduction

On January 17, 2006, the Environmental Protection Agency (EPA) issued a proposed rule to revise the National Ambient Air Quality Standards (NAAQS) of the Clean Air Act. The NAAQS is a health-based standard. In other words, Congress determined that in order to regulate a pollutant under the NAAQS, health studies must show that the pollutant causes adverse health effects. Conversely, if scientific health studies do not show that a pollutant cases adverse health effects, it is not supposed to be regulated under the NAAQS.

The EPA proposal asks for comments on the merits of regulating coarse particulate matter (i.e. dust or coarse PM). Examples of agriculture dust that would be regulated under a coarse PM NAAQS is dust produced by tilling soil, cattle romping in feedlots, planting crops, harvesting crops, driving on dirt roads, spreading of nutrients on fields, outdoor storage of bulk materials, feed mixing, among others. NCBA does not believe current scientific health studies provide a basis for regulation of coarse PM in rural or urban areas under the NAAQS.

II. Agriculture and Dust

Americas farmers, ranchers and livestock producers work hard every day to provide much of the nations supply of food. They are proud of their tradition as stewards and conservators of Americas land, and good neighbors to their communities. They support dust control measures, which range from soil conservation to fugitive dust control plans, and carry out

those measures every day of every year in supplying America with the food it needs. Agriculture producers do not seek to roll back dust controls. Indeed, they seek to maintain and improve them, and make them more effective. Technology-based, reasonable and feasible fugitive dust control measures have been in the past, and must continue to be in the future, the basis for controlling fugitive coarse PM from agriculture operations.

The amounts of fugitive dust remaining after using Best Management Practices from farm, ranch and livestock operations has never been demonstrated to have adverse impacts on health at ambient levels. It is for this reason that, over the last more than 30 years, the EPA has excluded these dusts in making determinations of ambient compliance. The proposed rules exclusion of coarse PM from agriculture from the coarse PM NAAQS continues this historic, scientifically-based, policy and practice. This proposed exclusion is threatened, however, by interest groups that believe agriculture dust should be regulated. There is also concern in the agriculture community about whether such an exclusion could be implemented in a way that would truly exclude all agriculture dust.

III. EPAs and the Clean Air Scientific Advisory Committees (CASACs)
Current Controversial Review of the Vacated Coarse PM10 NAAQS

CASACs review of the coarse PM standard over the last three years has been marked by controversy, abrupt and unexplained changes of position, last-minute changes in possible theoretical bases for such a standard, and an unprecedented failure by CASAC even to review EPAs Final Staff Paper and reach Closure on its scientific basis for the coarse PM standard before that document and its recommendations to the EPA Administrator were finalized and released. CASAC reviewed that scientific basis only after that document had become final.

After several years of review and deliberation, several members of CASAC, including its then Chair and its leading health scientists, had expressed the view that EPAs Criteria Document and drafts of its Staff Paper did not provide an adequate basis for a coarse PM standard. Indeed, CASACs May 11, 2005 draft letter to the Administrator stated that the setting of this [coarse PM] standard be set aside until further deliberations on the appropriate metric can be made.

At its April 2005 meeting, CASAC had suggested a potential new rationale for a coarse PM Standard that EPA might substitute for its past, unsuccessful efforts to provide a basis for a coarse PM standard. This new concept was based not on the health effects of coarse PM, but its possible contamination by toxic urban contaminants that might be absorbed and carried by coarse PM in urban areas. EPA was urged to substitute this

new concept for the years of work that had gone into the Criteria Document and two drafts of its Staff Paper that CASAC had found wanting. After a teleconference on May 18, 2005 regarding its May 11 draft letter, CASAC wrote a final letter to the EPA Administrator stating that although the evidence for a standard for coarse-mode particles was weaker than for the PM2.5, the Panel agreed that a 24-hour NAAQS for PM10-2.5 was appropriate, especially in urban areas, with caveats to make exceptions for those types of rural dusts thought to have low toxicity.

V. EPAs Proposed Revisions to the PM NAAQS

On January 17, 2006, EPA published its proposed revisions for the PM NAAQS. The coarse PM standard it proposed is a 24-hour PM10-2.5 standard qualified so as to include any ambient mix of PM10-2.5 that is dominated by resuspended dust from high-density traffic on paved roads and PM generated by industrial sources and construction sources. The indicator for this standard excludes any ambient mix of PM10-2.5 that is dominated by rural windblown dust and soils and PM generated by agricultural and mining sources. In addition, it states that [a]gricultural sources, mining sources, and other similar sources of crustal material shall not be subject to control in meeting this standard. The concentration term of the proposed coarse PM standard is 70 g/m3. That level, EPA says, is intended to provide a generally equivalent level of protection to the 1987 PM10 standard.

VI. EPAs Proposal of an Urban-Type Coarse PM Indicator and PM NAAQS Is not Based on Sound Science and Should not Be Adopted

The new concept for development of a coarse PM standard based on its potential role in urban areas is a novel one, first put forward in April of 2005.

VII. EPA Acknowledgement of Uncertainties

The proposed rule, in an acknowledgement of the uncertainties associated with the scientific data, solicits comments on not adopting a thoracic coarse particle standard at this time, and taking into account any new relevant research that becomes available as a basis for considering a more targeted standard for thoracic coarse particles in the next periodic review of the PM NAAQS. This is the correct ultimate outcome.

VIII. Conclusion

For all of the reasons discussed above, NCBA submits that there is not a sound or adequate basis for the adoption of a coarse PM standard in rural

or urban areas at this time. It supports the alternative of not adopting a coarse PM standard for ambient exposure. NCBAs members will continue their efforts to control dust and will continue to support the improvement of those practices.

Sincerely,



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY WASHINGTON, D.C. 20460

OCT 2 0 2008

The Honorable Mitch McConnell United States Senate Washington, D.C. 20510-1702

OFFICE OF AIR AND RADIATION

Attention: Pamela Simpson

Dear Senator McConnell:

Thank you for your letter of September 13, 2006, to Administrator Johnson, on behalf of your constituent, Mr. Exp. L..., who expressed concerns regarding the Environmental Protection Agency's (EPA) proposal to set new national ambient air quality standards (NAAQS) for coarse particulate matter (PM). I am happy to assist your office in responding to the concerns raised by Mr. Wells.

In his letter, Mr. referenced EPA's December 20, 2005, proposed decision regarding revisions to the PM NAAQS (71 FR 2620-2708). In particular, he expressed concern that EPA was considering regulating coarse particles from agricultural activities such as tilling soil, planting and harvesting crops, driving on dirt roads, cattle moving in feedlots, spreading of nutrients on fields, outdoor storage of bulk materials, and feed mixing. He stated that there is currently insufficient scientific evidence to support regulation of coarse PM in either rural or urban areas.

As you may know, on September 21, 2006, EPA issued the final rule regarding the review of the PM NAAQS. With regard to coarse particles, the Administrator decided not to revise the daily standard that has been in place since 1987, which controls all particles smaller than 10 micrometers in diameter (also known as PM_{10}). Specifically, in light of the scientific evidence which shows that short-term exposure to at least some types of coarse particles is associated with adverse health effects, the Administrator retained the existing national 24-hour PM_{10} standard of $150\mu g/m^3$. Due to evidence that long-term exposure to coarse particles at ambient levels is not associated with adverse health effects, the Administrator revoked the annual PM_{10} standard.

Because the 24-hour PM₁₀ standard and associated State-level control programs have been in place for almost 20 years, EPA does not anticipate that aggressive new control programs will be directed at agricultural sources. In cases where areas are found to violate the 24-hour PM₁₀ standard, EPA is encouraging States to focus control programs on urban and industrial sources, not agricultural sources. This focus reflects the Agency's conclusion that the available scientific evidence regarding adverse health effects associated with exposure to thoracic coarse particles is strongest with respect to urban and industrial ambient mixes of those particles, not rural mixes.

The final rule provides a more detailed explanation of the rationale underlying the Administrator's decision to retain the 24-hour PM₁₀ standard at this time. The rule, and a number of other important materials related to this rulemaking, are available on EPA's website at: http://www.epa.gov/air/particlepollution/actions.html.

Again, thank you for your letter. If you have further questions, please contact me or your staff may call Diann Frantz, in EPA's Office of Congressional and Intergovernmental Relations, at 202-564-3668.

Sincerely,

Villiam L. Wehrum

Acting Assistant Administrator

MITCH McCONNELL KENTUCKY

361-A RUSSELL SENATE OFFICE BUILDING WASHINGTON, DC 20510-1702 (202) 224-2541

67-0W-5358

REPUBLICAN LEADER

AGRICULTURE

APPROPRIATIONS

RULES AND ADMINISTRATION

United States Senate

March 14, 2007

The Honorable Stephen Johnson Administrator **Environmental Protection Agency** 1200 Pennsylvania Avenue, NW Washington, D.C. 20460-0001

Dear Administrator Johnson:

Exp.le I am writing on behalf of a constituent, Ms. . who has contacted me regarding a proposed solid waste transfer station in her community. Ms. a believes that your agency has not approved proper permits for the proposed transfer station.

I have enclosed a copy of my constituent's correspondence, and I would appreciate your review and response to her questions and concerns. Please direct any inquiries and all relevant information to Pam Simpson in my Washington, D.C. office.

Thank you for your time and assistance. I will look forward to receiving your response.

Sincerely,

MITCH McCONNELL

UNITED STATES SENATOR

MM/PS

Exp. le

Our community of Stearns Ky. is trying to stop our Fiscal court from voteing in a another transfer station within sight of the tourist train. Our Government has giving us \$400.000 to start a new line and we know the out of state garbage cars will be stacked up on the railroad siding like they are now.

My request is that you help us stop the fiscal court vote till evedence has been given there is financial backing to support such a business.

There are no E.P.A. plans that have been presented. There are no desaster management plans in place. There have been letters written to our judge Blain Phillips by our Solid Waste coordinator ,our desaster management coordinator and our ,firechief stating we are not prepared to handle a spill or a fire from the tire recycle facility that Mr.Johnny Ball is trying to get in on the same permit for his Solid Waste Transfer Station.

Fiscal Court is to meet tomarrow 3/13/07 I was under the impression the vote wouldn't be for 45 days but I was told they can vote anytime after the first hearing.

Our intire town is upset. Most make their living off the tourist trade. I plan to call your office and talk with you inperson.

Thank you so much for all the wonderful work you have done in the past. I hope you can help us stay on course to a great future.

ERPLe



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8980

APR 1 3 2007

The Honorable Mitch McConnell United States Senator SR-361A Russell Senate Office Building Washington, DC 20510

Dear Senator McConnell:

Thank you for your March 14, 2007, letter to Stephen Johnson, Administrator of the U. S. Environmental Protection Agency (EPA), on behalf of Ms ... of Revelo, Kentucky. Your letter was forwarded to me for a response.

Ms. expresses her concerns about a proposed scrap tire transfer station in the community of Stearns, McCreary County, Kentucky known as the King's Tire Recycling, Inc./Stearns Lumber Transfer Station. In response to your letter, members of my staff contacted the Kentucky Department for Environmental Protection (KDEP) to inquire about the current status of the transfer station.

As you are aware, EPA is responsible for developing national standards for solid waste management and ensuring that states adopt solid waste management standards and implement solid waste management programs that are consistent with the federal criteria. On July 1, 1993, EPA fully approved Kentucky's municipal solid waste landfill permitting program. EPA's approval allows Kentucky to administer the Commonwealth's solid waste management laws and regulations, including requirements for issuing permits to solid waste treatment, transfer, and disposal facilities, and to enforce permit conditions. Therefore, EPA does not have a role in siting or permitting these facilities.

Since solid waste management issues are generally very local in nature, local governments are responsible for ensuring the planning, development, and operation of solid waste collection and disposal programs. Local governments are also responsible for siting decisions, including zoning changes, which make local officials fully responsible to their constituents for decisions on these matters.

With regard to the facility of concern, KDEP officials informed us that the facility currently operates as a municipal solid waste (MSW) transfer station. KDEP has approved the transfer station to receive non-hazardous industrial wastes from a railroad company and municipal solid waste from the states of Alabama, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, and Virginia. Waste is shipped from the transfer station to a disposal facility in Scott County, Tennessee.

On February 12, 2007, KDEP received an application from Kings Tire Recycling, Inc., as required by Kentucky's scrap tire statute, for the operation of a scrap tire transfer station to operate at the same location as the MSW transfer station. KDEP currently has the application under technical review. If Ms. Gibson would like additional information or an update on the facility's permit status or compliance history, she may contact Mr. Jeffrey Pratt at 502-564-6716.

If you have questions or need additional information from EPA, please contact me or the Region 4 Office of Congressional and Intergovernmental Relations at (404) 562-8327.

Sincerely,

J. I. Palmer, Jr.

Regional Administrator

cc: Cheryl Taylor, Commissioner, KDEP

0 7-000-0268

MITCH MCCONNELL

361-A Russell Senate Office Building Washington, DC 20510-1702 (202) 224-2541

United States Senate

REPUBLICAN LEADER

COMMITTEES:
AGRICULTURE

APPROPRIATIONS

RULES AND ADMINISTRATION

January 7, 2008

Congressional Liaison Environmental Protection Agency 1200 Pennsylvania Avenue, NW Room 3426 ARN Washington, D.C. 20460

Dear Congressional Liaison:

I write on behalf of a constituent who has contacted me regarding an EPA Region IV Administrative Order. I would appreciate your review and response to my constituent's questions and concerns.

I have enclosed a copy of my constituent's correspondence, for your information. Please direct any inquiries and all relevant information to Allison Thompson in my Washington, D.C. office.

Thank you for your time and assistance. I will look forward to receiving your response.

Sincerely,

MITCH McCONNELL

UNITED STATES SENATOR

MM/at

WATER RESOURCE AGENCY

1722 Pleasent Valley Rond • Owensboro, Konnicky 42303 Phone: (270) 687-8440 • Fatq (270) 687-8444

Progress Through Granth 1 Projecting Your Environment

December 20, 2007

Senator Mitch McConnell. 241 E. Main Street Room 102: Bowling Green, KY 42101

RB: U.S. EPA Region IV Administrative Order

Dear Senator McConnelli

Per my conversation this afternoon with your office, I am writing this letter to explain the situation involving five of Kentucky's 17 communities that contain combined sewers. As I discussed with your office, Owensbore received notification this afternoon that US EPA Region 4 out of Atlanta, GA is objecting to certain provisions contained in enforcement orders that the Kentucky Division of Water (KDOW) had issued in September 2007 to fifteen entail Kentucky communities.

At this time, EPA is planning to issue Administrative Orders to at least five communities under Section 309(a) of the CWA to establish deadlines on completing the LTCPs. The five communities being targeted by US BPA Region IV include: Owensboro, Paducah, Henderson, Ashland and Maysville. Orders to the remaining ten communities may follow. I am not sure about EPA's intervention in the two largest communities (i.e., Louisville and Northern Kentucky).

Each of the lifteen Kentucky communities has spent considerable time and resources over the past twelve months negotiating the terms and conditions contained within the KDOW issued enforcement orders. These conditions are consistent with the requirements of other federal and state enforcement actions dealing with CSOs that have been issued to other communities around the country.

In September 2007, each of the 15 communities defined as "small communities" by BPA entered into Consent Judgments with the Kentucky Division of Water (DOW). Each of the 15 communities was given a defined time pariod to develop a "Long-Term Control Plan" (LTCP) that would be administered and governed by DOW. An LTCP is a plan developed by each community to outline the projects, programs and measures to address combined sewer overflows (CSOs) in order to reduce covironmental impacts associated with them. It was initially the understanding of each community with DOW

Senator Mitch McConnell December 20, 2007 Page Two

that once the LTCPs were developed, and the specific requirements established, that each community, with approval from the Division of Water, would determine an appropriate and reasonable timeframe necessary to complete the implementation of the plan. However, today Owensboro, along with the other communities, are being notified that EPA Region IV is in the process of filing an Administrative Order requiring EPA oversight and an implementation schedule not to exceed ten years. Communities around the country have received 20 years or more to implement programs associated with their LTCP. Regardless, they are requiring this timeframe without the LTCP being completed which would outline the specifics of what needs to be done in each individual community. It appears that this is an arbitrary deadline with such a deadline.

The financial impacts to the communities associated with this Administrative Order are patentially tremendous. We respectfully request that the communities have the opportunity to meet with US EPA Region IV administrators before the initiation of any Administrative Order that would have this type of impact on a community.

Immediate action regarding this issue is imperative in order to defer the issuance of the Orders. I would like an opportunity to forward this information to you on behalf of the communities involved so that you may contact the appropriate individuals to assist these Kentucky communities in this matter. Any support that you can provide in this matter would be greatly appreciated.

David W. Hawes Executive Director

DWHJekp

U.S. Senator

MITCH McCONNELL

Room 361-A Russell Senate Office Building Phone: (202) 224-2541 • FAX: (202) 224-2499

TO: EPA Congressional Affairs

FROM: Muson Monyson

PAGES TO FOLLOW: 3

RE:

Peace contact me at 220-000

'IF you have any questions.



WASHINGTON

OBDEB ZEBAICE

M972:1 .8005.7 .NAL



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

JAN 18 2008

The Honorable Mitch McConnell United States Senator SR-361A Russell Senate Office Building Washington, D.C. 20510

Dear Senator McConnell:

Thank you for your January 7, 2008, letter on behalf of Mr. David W. Hawes regarding the U.S. Environmental Protection Agency (EPA) Region 4's issuance of Administrative Orders (AOs) to five Kentucky communities with respect to their combined sewer overflows (CSOs). In his letter, Mr. Hawes expressed concern regarding the AOs' 10-year implementation schedule for the Long Term Control Plans (LTCPs) and the financial burden that this schedule would impose on the affected communities. Mr. Hawes also pointed out that some communities across the country have received longer time frames to implement programs associated with their LTCPs.

As you know, CSOs and sanitary sewer overflows (SSOs) cause significant water quality impairment and often occur in areas frequented by the public, such as parks, beaches, backyards, city streets, and playgrounds. Raw sewage may backup into homes, and into commercial and industrial establishments causing property damage. Raw sewage overflows contain bacteria, viruses, and protozoa that can adversely impact public health. Since these overflows are recognized as national environmental problems, EPA, after consultation with the states and the public, identified efforts to address CSOs and SSOs as National Compliance and Enforcement Priorities.

In 1994, EPA issued its CSO Control Policy, which established a 1997 deadline for combined sewer systems to develop LTCPs that ultimately result in CSO compliance with water quality standards required by the Clean Water Act (CWA). The CWA requires that orders and permits conform to the CSO Control Policy. In addition, Kentucky Department for Environmental Protection incorporated the CSO Control Policy by reference into its regulations. The five affected municipalities have failed to comply with this longstanding obligation to develop an LTCP in accordance with the CSO Control Policy.

As pointed out in Mr. Hawes' letter, the Consent Judgments issued by the Kentucky Division of Water (KDOW) included a "defined time period to develop a [LTCP] that would be administered and governed by [KDOW]." However, the KDOW judgments did not include a final date for implementation of the LTCP by which ultimate compliance with CWA water quality standards would be achieved. This omission is inconsistent with the CSO Control Policy and EPA's Guidance for Financial Capability Assessment and Schedule Development. The CSO Control Policy and this guidance provide that CSO compliance schedules shall be as expeditious as possible, but generally shall not exceed 10 years.

Mr. Hawes correctly notes that settlements with some other communities have provided for implementation schedules of LTCPs that have exceeded 10 years. The CSO Control Policy and its corresponding guidance documents specifically allow for such extended implementation schedules where a high financial burden can be demonstrated by the community. In addition, as a practical consideration, in those situations where the remedial actions necessary to achieve compliance are very complex or of sufficient magnitude, an extended compliance schedule could also be warranted. As stated in the AOs, the five Kentucky communities can seek a longer compliance time frame, if they submit appropriate documentation demonstrating, consistent with applicable EPA guidance, that meeting a 10-year schedule would impose a high financial burden on the community.

Although we are unable to meet before initiation of AOs, as sought in Mr. Hawes letter, if requested, we are willing to meet with community representatives to discuss efforts to control and eliminate CSOs. Community representatives may contact Ms. Alfreda Freeman, Water Enforcement Branch, at (404) 562-8977 to arrange a meeting. In addition, EPA will work with the communities, as needed, as they develop and implement their LTCPs. We will also continue to work with KDOW to address water quality issues in the Commonwealth, as they relate to CSOs and SSOs.

If we may be of further assistance to you, please contact me or the EPA Region 4 Office of Congressional and Intergovernmental Relations at (404) 562-8327.

Sincerely,

J. I. Palmer, Jr.

Regional Administrator

cc: Mr. David Hawes, Owensboro Regional Water Resource Agency Mr. Bruce Scott, KDEP

08-000-4464



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY WASHINGTON, D.C. 20460

APR 1 2008

OFFICE OF SOLID WASTE AND EMERGENCY RESPONSE

The Honorable Mitch McConnell, Jr. United States Senate Washington, D.C. 20510

Dear Senator McConnell:

I am pleased to invite you to attend the U.S. Environmental Protection Agency's (EPA's) 2008 Brownfields grant announcement. This recognition event will take place on Monday, April 7, 2008 at 2:00 p.m. at the Former Donaldson Art Sign Facility in Covington, Kentucky.

I hope you will have the opportunity to join me to recognize two of your invited constituents, the City of Covington and the Buffalo Trace Area Development District, and many other deserving grantees.

As you may know, on January 11, 2002, President Bush signed the Small Business Liability Relief and Brownfields Revitalization Act to assist States and communities throughout the country in their efforts to revitalize and reclaim brownfields sites. This grant announcement event provides an excellent opportunity to highlight the success that is possible when communities and governments work together to improve the environment.

I hope your schedule allows you to participate in this positive, newsworthy event. The event will begin at 2:00pm, Monday, April 7, 2008 at 2125 Donaldson Ave. in Covington. The event will last approximately one hour and ten grantees from Kentucky, Indiana and Ohio have been invited to attend. The event will be followed by check presentations to all of the attending grantees. I expect national, regional, and local press to attend.

I hope you and the successful Kentucky grantees will join us for this important event. If you have any questions, please contact me, or your staff may contact Amy Hayden with EPA's Office of Congressional and Intergovernmental Relations at (202) 564-0555.

Sincerely,

Susan Parker Bodine Assistant Administrator

08-001-3487

MITCH McCONNELL
Kentucky

361-A Russell Senate Office Building Washington, DC 20610-1702 (202) 224-2541

United States Senate

REPUBLICAN LEADER

COMMITTEES,

AGRICULTURE

APPROPRIATIONS

RULES AND ADMINISTRATION

October 21, 2008

The Honorable Stephen Johnson Administrator Environmental Protection Agency 1200 Pennsylvania Avenue, NW Washington, D.C. 20460-0001

Dear Administrator Johnson:

I write on behalf of a constituent who has contacted me regarding EPA's monitoring of the Burke Parsons Bowlby facility in Fulton, Kentucky. I would appreciate your review and response to my constituent's questions and concerns.

I have enclosed a copy of my constituent's correspondence, for your information. Please direct any inquiries and all relevant information to Allison Thompson in my Washington, D.C. office.

Thank you for your time and assistance. I will look forward to receiving your response.

Sincerely,

MITCH McCONNELL

UNITED STATES SENATOR

MM/at

E-Mall Viewer

Message	Details	Attachments	Headers	Source	
Date: 10/4/2008	4:18:34 PM noconnell-iq	s.gov" <nobody@ww senate.gov" <webma< td=""><td></td><td>.senate.gov></td><td>HTML</td></webma<></nobody@ww 		.senate.gov>	HTML
closely? I've talk but we are suffe breezes. Our on	CONMENT I Influence the condition of the and children of the and c	e local EPA office in i officials from Atlanta emissions. We can't can't play outside. On a patlents in the area	, Louisville, and breathe when o e daughter-in-ia	Paducah. They utside; and can' w was issued a	earsons Bowley plant in Fulton more say that they are monitoring for toxins, it open our windows to enjoy cool in extra inhaler by her doctor in order for preciated. We don't want to move, but
			Clase		



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

NOV - 6 2008

The Honorable Mitch McConnell United States Senate SR-361A Russell Senate Office Building Washington, DC 20510

Dear Senator McConnell:

Thank you for your October 21, 2008, letter to Stephen L. Johnson. Administrator of the U. S. Environmental Protection Agency (EPA), on behalf of and for requesting additional air quality monitoring near the Burke Parsons Bowley plant in Fulton, Kentucky. Your letter was referred to my office for response.

As you are aware, the Clean Air Act allows EPA to authorize state agencies to conduct the day-to-day program implementation, the Agency must provide oversight of that implementation. In accordance with that authority, the Kentucky Department for Environmental Protection (KDEP), Division for Air Quality, issues air pollution control permits, monitors sources, and serves as the primary enforcement authority for violations. We have contacted KDEP concerning Mr. Cole's request for additional air quality monitoring. I understand that KDEP staff conducted air monitoring near the Burke Parsons Bowley plant beginning on Wednesday, October 29, collecting a total of four samples at two locations near the property line. The samples are now being analyzed with results expected by mid November. Depending on those results, additional analyses may be pursued. For further information concerning the sampling and results, Mr. and Mrs. — may contact John Lyons, Director of the Division for Air Quality, at (502) 564-3999.

If you need further assistance from EPA, please contact me or the Office of Congressional and Intergovernmental Relations at (404) 562-8327.

Sincerely,

J. I. Palmer, Jr.

Regional Administrator

cc: Bruce Scott, KDEP John Lyons, KDEP United States Senate

11-001-0735

June 30, 2011

The Honorable Lisa P. Jackson Administrator United States Environmental Protection Agency 1200 Pennsylvania Avenue, NW Washington, DC 20004 The Honorable Jo-Ellen Darcy
Office of the Assistant Secretary (Civil Works)
Department of the Army
108 Army Pentagon
Washington, DC 20310

Dear Administrator Jackson and Assistant Secretary Darcy:

On May 2, 2011 the Environmental Protection Agency and the Army Corps of Engineers (the Agencies) published in the Federal Register (76 Fed. Reg. 24479) a request for comments on draft guidance relating to the identification of waters protected under the Clean Water Act (CWA).

We have a great deal of concern about the actions that the Agencies are pursuing. The Agencies claim that this guidance document is simply meant to clarify how the Agencies understand the existing requirements of the CWA in light of the current law, regulations, and Supreme Court cases. More than clarifying, they greatly expand what could be considered jurisdictional waters through a slew of new and expanded definitions and through changes to applications of jurisdictional tests. This guidance document improperly interprets the opinions of the plurality and Justice Kennedy's opinion in Rapanos v. United States by incorporating only their expansive language in an attempt to gain jurisdictional authority over new waters, while ignoring both justices' clear limitations on federal CWA authority. Attached are highlights of several specific issues regarding the draft guidance document.

The decision to change guidance, just a few short years after the Agencies issued official guidance on the exact same issue, has not been prompted by any intervening changes to the underlying statute through legislation or a new Supreme Court decision. Further, we understand that the Agencies intend this draft guidance to be the first step toward a formal rulemaking in the future. Because the Agencies' intent is to turn the draft interim guidance into regulations, it can only be interpreted to mean that they intend the guidance to be followed. Following the guidance will change the rights and responsibilities of individuals under the CWA – this is clearly the regulatory intent.

In the economic analysis completed by the Agencies, it was determined that as few as 2% or as many as 17% percent of non-jurisdictional determinations under current 2003 and 2008 guidance would be considered jurisdictional using the expanded tests under the draft guidance.² Any change in jurisdiction which results in a change to the rights and responsibilities of a land owner is, in fact, a change in the law as the program has been implemented to date.

Further, the draft guidance is intended to apply to more jurisdictional interpretations than just those covered by the Army Corps in making §404 determinations, but also those under §402 that governs

^{1 547} U.S. 715 (2006)

² "Potential Indirect Economic Impacts and Benefits Associated with Guidance Clarifying the Scope of Clean Water Act Jurisdiction." April 27, 2011 http://water.eps.gov/lawsregs/guidance/weilands/upload/ews_guidance impacts_benefits.pdf

Jackson, Darcy June 30, 2011 Page 2

National Pollution Discharge Elimination System permits, §311, oil spills and SPCC plans, §303, water quality standards and TMDLs and §401 state water quality certifications. Because most states have delegated authority under many of these sections, this change in guidance will also result in a change in the responsibilities of states in executing their duties under the CWA. While we question seriously the need for this new guidance and believe that the Agencies lack the authority to rewrite their jurisdictional limitations in this manner, one thing is clear: it is fundamentally unfair to the States and the regulated community (including our nation's farmers and other property owners) to subject lands and waters under their control to a change in legal status of this magnitude via a "guidance document." Changes in legal status should only be done, if at all, through the regulatory process, specifically under the Administrative Procedure Act, subchapter II of chapter 5, and chapter 7, of title 5, United States Code.

Because the draft guidance will substantively change how the Agencies decide which waters are subject to federal jurisdiction and will impact the regulated community's rights and obligations under the CWA, this guidance has clear regulatory consequences and goes beyond being simply advisory guidelines. The draft guidance will shift the burden of proving jurisdictional status of waters from the Agencies to the regulated communities, thus making the guidance binding and fundamentally changing the legal rights and responsibilities that they have. When an agency acts to change the rights of an individual, we believe that the agency must go through the formal rulemaking process.

We respectfully request you abandon any further action on this guidance document.

Sincerely,

Par Mobile

Mille Cryor

Phul Cohn Mile Cryor

Mile Character

Mil Glance Research. Lugar

John Barrasso

Jackson, Darcy June 30, 2011 Page 3

Jackson, Darcy June 30, 2011 Page 4 Roman	Ming S.E.
Mikel B. Ly	RoyBend
L. L	John focus

Jackson, Darcy June 30, 2011 Page 5

Highlights of Concerns

The following are a selection of the concerns we have with the draft guidance.

Interstate waters:

The Agencies' have added language to their definition of interstate waters explicitly directing field staff to use "other waters" that lie across state boundaries for jurisdictional determinations. "Other waters" include: "intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds." "Other waters" are now elevated to the same level as "navigable waters" for the purposes of determining whether or not waters are jurisdictional. Thus a geographically isolated prairie pothole that happens to be situated on a state boundary would be jurisdictional and could allow for a jurisdictional claim to be made on all other wet areas that have a "significant nexus" to the pothole. This new definition clearly goes beyond the current understanding expands the Agencies reach to previously non-jurisdictional waters.

Significant Nexus:

The new guidance makes substantial changes to what is considered a "significant nexus." Justice Kennedy's opinion in Rapanos stated that wetlands that have a "significant nexus" to traditional navigable waters are "waters of the United States:" "if the wetlands, either alone or in combination with similarly situated lands in the region, significantly affect the chemical, physical and biological integrity of other covered waters more reading understood as 'navigable." ³ Previous guidance read Justice Kennedy's language to apply to wetlands and limited the significant nexus tributaries to their higher order streams reach.

The new guidance eliminates the reach concept and applies the significant nexus test to all tributaries, wetlands, and proximate other waters that are "in the same watershed." Currently "other waters" are determined to be jurisdictional based on conditions that show their connections to interstate commerce. Additionally, waters may be aggregated and considered together, and if the category of water or wetland is determined to have a significant nexus to downstream waters, then each water or wetland in that category is considered a jurisdictional water of the United States.

The draft interim guidance dictates that determining what tributaries, wetlands, and other waters will have a "significant nexus" includes an analysis of the functions of waters to determine if they trap sediment, filter pollution, retain flood waters, and provide aquatic habitat. A significant nexus is based on both hydrological and ecological effects. A hydrological effect does not require a hydrological connection. The ability to hold water is considered an effect on downstream waters because that function arguably reduces the chances of downstream flooding. Furthermore effects on the chemical integrity of a water body on downstream waters could be reason for asserting jurisdiction, because it could show the ability to reduce the amount of pollutants that would otherwise enter a traditionally navigable water or interstate water. Biological effects include the capacity to transfer nutrients to downstream food webs or providing habitat for species that live part of their lives in downstream waters. Under this interpretation, an isolated water body can be considered to have a significant nexus to downstream waters. Again, if the category of water or wetland is determined to have a significant nexus to downstream waters, then each similarly situated water or wetland is considered jurisdictional.

"Significant nexus" is defined as any relationship that is "more than speculative or insubstantial." This is not the same as requiring a nexus actually be significant. Again, because of the expansive nature of what can be included under the "significant nexus," the draft interim guidance is likely to encompass far more waters than have been previously included. The increased scope not only of "significant nexus," but of

^{3 547} U.S. 715, 780 (2006)

Jackson, Darcy June 30, 2011 Page 6

what waters may be tested using this test, will likely allow the Agencies to assert jurisdiction far beyond current practice.

Tributaries and Ditches:

Like interstate waters, tributaries are considered jurisdictional under the Agencies' regulations, but do not have the extensive new definition given in this guidance. A tributary now has the physical definition of the presence of a channel with a bed and an ordinary high water mark. Additionally ditches, which were generally excluded under the current guidance, have been included as tidal ditches or non-tidal ditches newly defined as meeting one of the following: (1) the ditch is an altered natural stream, (2) the ditch was excavated in a water or wetland, (3) the ditch has relatively permanent flowing or standing water, (4) the ditch connects two or more jurisdictional waters, or (5) the ditch drains natural water bodies, such as a wetland, into a tributary system of a navigable or interstate water. The new standards for asserting jurisdiction over ditches utilize both the plurality opinion and the Kennedy significant nexus test. As the draft interim guidance asserts, many previously non-jurisdictional ditches will likely be deemed jurisdictional.

The plurality opinion was clear that the Agencies' assertion of jurisdiction over ditches and ephemeral waters was incorrect. However, the draft interim guidance document allows the Agencies to use the plurality standard as a basis for asserting jurisdiction over ditches. Furthermore, the use of the Kennedy standard for asserting jurisdiction over tributaries ignores the fact that Kennedy was skeptical about the Agencies use of an ordinary high water mark as a presumption for asserting jurisdiction. While more detailed than previous guidance, the effect is the same: nearly everything that connects to a navigable water is jurisdictional. Both the plurality opinion and Kennedy rejected this assertion in Rapanos.

"OARD OF TRUSTEES Minx M. Auerbach Charles C. Barr M.D Paul J. Bickel III Owslay Brown II Marea Clark Lee T. Cory Ehzabeth W. Davis Arnica Gadson Holly H. Gasthright Robert E. Kulp, Jr.

Elizabeth Dodd Lococo Hunser O. Louis Kenneth W. Moore Layla George Musselman Edwin H. Perry Stephen R. Reily Kate Rudd Sarfin Walker Stites III Jane M. Townsend



Ann C. Wells
Orme Wilson
John Yarmuth
Rube Yelvington
HONORARY TRUSTEES
Leura Lee Lyons Brown
Mrs. W. L. Lyons Brown
Jerome Hutchinson, Sr.
James W. Stites, Jr.

EXECUTIVE DIRECTOR
Name Sweets Runyon
ASSOCIATE DIRECTOR

ASSOCIATE DIRECTOR
Leshe Elizabeth Barras

LAND CONSERVATION MANAGER
David F. French, ASLA

COMMUNITY PLANNING MANAGER Heidi Saunders

River Fields, Inc., 643 West Main Street, Suite 200, Louisville, Ky. 40202-2921 • (502) 583-3060 • Fax (502) 583-3285

May 30, 2006

Mr. Peter Tennant
Deputy Executive Director
ORSANCO
5735 Kellogg Avenue
Cincinnati, Ohio 45228

Dear Mr. Tennant:

What follows are the comments of River Fields, Inc. ("River Fields") on ORSANCO's proposed water quality standards. An abbreviated form of these comments was presented at the hearings held on May 25th at the Galt House in Louisville by staff member Jan Garver. In summary, River Fields believes that the proposal is contrary to decades of water quality law and regulation, undermines public health and recreation, and is inconsistent with the Vision and Key Concepts of a Louisville land use plan, the *Ohio River Corridor Master Plan*. We urge ORSANCO to reject adoption of these proposed standards.

Upholding ORSANCO Compact

River Fields, established in 1959, is a 47-year old land trust which has a long history of effective preservation of working farms, forested land and clean water sources in the Ohio River valley. Our 2,000 members from 104 zip codes, representing a diverse cross-section of the community, work together to protect natural areas surrounding creeks and streams making up the Ohio River watershed. As the largest river conservation group on the Ohio River and in the State of Kentucky, we care about clean water and the families who enjoy it and depend on it. We have assisted ORSANCO in its mission in the past. As you know, I sat for several years on the Public Interest and Advisory Committee (PIACO) of ORSANCO. During 2000, I served as a trustee on the Ohio River Basin Consortium, and have been a presenter at Consortium Conferences.

ORSANCO's enabling authorization from the United States Congress (ORSANCO Compact) charges the agency with the purpose of abating (reducing) water pollution within the Ohio River Valley. The compact recognizes the organization's duty to maintain the water in a sanitary condition, available for certain beneficial uses. A

guiding principle of the ORSANCO compact is that pollution originating in one state should not have a negative effect on the waters in another state.

River Fields applauds ORSANCO's long history of river research and monitoring and encourages it to uphold its Compact and guiding principles by rejecting the proposed lowering of water quality standards in the Ohio River. Downstream neighbors in Indiana, Illinois, Missouri, and Tennessee should also appreciate rejection of this ill-advised proposal.

□ Public Water Supply

River Fields, Inc. serves the Louisville area along fifty miles of the Ohio River from Westport to West Point, Kentucky, and the corresponding areas in southern Indiana. In addition to being a land trust, River Fields also works in community education and environmental advocacy. We have worked with the Louisville Water Company to design a context-sensitive design for a riverbank well infiltration system. A member of our staff has served on the water company's management planning committee for its wellhead protection program.

We agree with The Human Health Protection Section of the Pollution Control Standards proposed revisions relating to "Bacteria," part a. which state: Public water supply use shall be protected at all times." However, we question how the following description of the disease-causing fecal coliform bacteria could protect the public water supply. "Fecal coliform bacteria content (of river water) shall not exceed 200/100 ml as a monthly geometric mean based on not less than five samples per month." to 2,000/100 ml. This amount of pollution is ten times greater than the existing standard states. How will this tenfold increase affect the cost of water purification which the public drinking water suppliers will pass on to their customers since the Ohio River is the source of drinking water for millions of people?

Contact Recreation

River Fields promotes environmentally sensitive land and water use arrived at by fact-based reasonable decision-making conducted with appropriate opportunity for public comment. We especially appreciate your willingness to extend your comment period and include an opportunity for citizens to attend this public hearing in Louisville. As a land trust, River Fields owns over \$2.1 million in key river corridor properties outright and we hold over \$17 million in conservation easements, totaling over 1,700 acres. Many of our members live on or near the river and spend family time recreating on the river and its tributaries. Grandparents teach their grandchildren how to swim, fish and boat in the river.

As we read the same section of Human Health Protection and Bacteria, part b.

"Protection of contact recreation use, suggested changes state—during the months of May—through October, contact recreation use shall be protected whenever the river velocity is 2—miles per hour ((mph) or less." Acceptable levels of fecal coliform and Escherichia coli—bacteria have been increased in up to 10 percent of samples taken during the month.

However, when the river speed tops 2 mph, these safeguards are proposed to be removed and higher acceptable levels of pollution allowed.

According to EPA guidelines, because most use of the Ohio River is by people in boats, wave runners and water skiing, rather than people in full contact with the river water such as swimmers, the Ohio River would be in a "light use" category of contact recreation. As a "light use" waterway, bacteria standards would allow for 8 illnesses per 1000 swimmers as described by a 1986 Ambient Water Quality Criteria document. Illnesses such as gastrointestinal disease, sore throats, and ear and eye infections can be caused by these pathogens. Any illnesses from contact recreation in waters of the U.S. are too many. We would like to work with ORSANCO to strengthen water quality standards rather than lower them.

Wet Weather Proposal

The proposed standards would allow a temporary suspension of protection for human contact recreation during high flow conditions (wet weather proposal). This means that pollution in the river will increase during high flow times and that people would need to know when the river speed is at or above 2 mph and will need to entirely avoid the river at this time.

Cincinnati data (mid-pool) indicates that the river flows at two miles per hour 18% of the time. Its velocity exceeds 3 mph 8-9 % of the time and 3.4 mph 4% of the time. All together, the river flows at a velocity at or over 2 mph 31% of the time, or <u>almost one</u> third of the time during the recreation season of May – October.

Based on our research, there is no current velocity data being measured in the Louisville segment of the river. According to the Army Corps of Engineers, Louisville Division, measurement of stream velocity is not taken in the McAlpine Pool.

According to the U.S. Geological Survey, Kentucky Water Science Center, the agency does take stream flow in real-time volume measurements of the river in Louisville in cubic feet/second. This is not a velocity, but could be converted to a velocity. However, this is not an on-going measurement which has any meaning except at the time at which the measurement is taken. Currently there is no gauge in this area which would measure the river velocity. This raises a number of practical implementation issues, such as:

- 1) How and where does ORSANCO propose to measure velocity?
- 2) Who would install such a gauge?
- 3) Who would be responsible for reading it on an ongoing basis?
- 4) Who would pay for it?
- 5) And how would the information be made available to ORSANCO and the public?

D Combined Sewer Overflows ("CSO")

As ORSANCO is aware, the Metropolitan Sewer District (MSD) is working under a consent decree to correct the local CSO problem though it will take years to accomplish.

Pollution Control Standards Proposed Revisions Section V, "Waste Water Discharge Requirements," "3. Combined Sewer Systems," specifies that accepted CSO plans will identify conditions under which the bacteria criteria cannot be achieved. These alternative bacteria criteria will only be allowed for two days following the wet weather event. The problem with this is that we know that when the river is high, the U.S. Army Corps of Engineers, which maintains the McAlpine Locks and Dams, holds water in the Louisville pool to prevent flooding downstream. Sometimes the wet weather conditions actually back the Ohio River up into its watershed streams. This means that the contaminated water will be held in the area even after the river is flowing below 2 mph and certainly longer than the allowed two day maximum.

□ Guiding Principles of ORSANCO's Work Group

In the document "Background Summary of Proposed Revisions," ORSANCO's work group has listed guiding principles under its "Wet Weather Proposal." They follow:

- 1. A reasonable target must be established for control of wet weather pollution sources; this target must be as fixed as possible and not subject to periodic change.
- 2. Pathogen criteria established to protect water supply use should be met at all times.
- 3. Pathogen criteria established to protect recreation should be met at all times when the river is otherwise safe for contact recreational use.
- 4. All sources of pathogens should be required to provide a reasonable level of control. For Combined Sewer Overflows, this includes the Nine Minimum Controls and a Long Term Control Plan.
- 5. The public needs to receive clear information regarding the risks of contact recreation in the Ohio River.
- Decisions that involve the balancing of risk to the public in recreational use of the
 river versus cost to the public in order to control pathogens need to be made with
 considerable public involvement.
- 7. The approach taken to develop wet weather standards for the Ohio River should be appropriate for use on other waterbodies in the Ohio River watershed and across the US that are affected by urban wet weather sources of pollution.

This group's Recommendation #6 suggests that there should be a review of the public notification language in the proposed pollution control standards. As proposed, CSOs occurring in the wet weather conditions will not be in violation of wastewater discharge requirements if the flows are operated in accordance with nine minimum controls, one of

which is "Public notification to ensure that the public receives adequate notice of CSO occurrences and CSO impacts." How will the public be notified and by whom when bacterial contamination is increased in the Ohio River when its velocity exceeds 2 mph?

Information on how ORSANCO will achieve the work group's guidelines #6 & #7 above has not been detailed in the proposal, to our knowledge. However, lowering water quality standards as the current proposal seeks to do is certainly not something which should be applied to other waterbodies in the Ohio River watershed, the State of Kentucky, and across the U.S.

Ohio River Corridor Master Plan

The Ohio River Corridor Master Plan ("ORCMP") is a local land use document whose preparation was initiated and funded in the mid 1990s by River Fields, MSD, and Jefferson County (provided in its entirety as Attachment A to these comments). Hundreds of citizens, planners, and leaders participated in numerous public meetings to develop this document for the 37 miles of the river in Louisville. Its Vision and Key Concepts have been adopted as part of the Louisville/Jefferson County Metro Government Comprehensive Cornerstone 2020 Comprehensive Plan. The ORCMP lays out a roadmap for our present and future life in the Ohio River corridor, something that, to our knowledge, is unique along the entire length of the river.

According to the Vision Statement of the ORCMP, the River Corridor is a place:

- Where people connect to the River –
 in an accessible landscape for gathering, celebration, contemplation, and
 recreation.
- Where People Connect to each other—
 in formal and casual exchange, finding unity amongst diversity in the sharing of the River.
- Where people connect to nature —
 in a healthy environment that sustains human needs and conserves natural
 resources.

Several of the Ohio River Corridor Master Plan Key Concepts are particularly germane to a consideration of water quality in the Ohio River.

"Key Concept: The quality of the water and air is protected.

Maintain and improve the quality of the River Corridor's air and water resources, including the River and its tributaries.

Key Implementing Actions of this Key Concept:

Manage wastewater disposal to reduce water quality impacts,...

Manage storm water to reduce water quality impacts,..."

ORSANCO's proposed revisions to the pollution control standards would increase rather than reduce water quality impacts on the Ohio River. Lowering water quality puts people's health at risk.

"Key Concept: People use the River for water recreation.

Provide a wide variety of opportunities for enjoyment of water sports such as sailing, rowing, power-boating, use of personal watercraft, fishing, and swimming (water quality permitting).

Key Implementing Actions of this Key Concept:

Permit riverfront development of water recreation-oriented facilities such as marinas and boat clubs in appropriate locations.

Provide additional public locations for fishing along the riverbank."

ORSANCO's proposed revisions to the pollution control standards will discourage the use of the river for recreation by boaters, fishers and swimmers. The lower water quality standards will increase the incidence of disease in aquatic life, wildlife and humans who come in contact with the river through water sports or fishing at the wrong time of year during wet weather and high flow events. Currently people are already warned about consuming infected fish which are contaminated by the river water in which they live. Many species which previously inhabited the river are no longer able to exist in its toxic waters.

"Key Concept: The River Corridor is a place of economic opportunity.

Provide a variety of industrial and commercial employment and investment opportunities within the River Corridor.

Key Implementing Actions of this Key Concept:

Permit development of commercial leisure businesses related to the River, such as boating services and restaurants, in appropriate locations."

ORSANCO's proposed provisions to the Pollution Control Standards lower water quality standards will discourage commercial employment and investment opportunities within the River corridor. Healthy environments build strong economies and encourage people to settle in the River corridor and to open businesses related to the river.

In Summary

The pending proposal to lower water quality standards for the Ohio River will have negative effects on life in the River corridor in the Louisville area. This relaxing of standards will have harmful effects on this region's public water supply, people's health, recreational use of the river, aquatic life in and near the river and the local economy. The proposed relaxing of standards will delay attaining, and make it even more difficult for the Louisville Metro area to attain the Vision and Key Concepts of the Ohio River Corridor Master Plan.

Please ensure that these comments and the enclosed document are included in their entirety in the administrative record for the proposed action, and please include us in the mailing or contact list for the agency's action on these proposed revisions.

Sincerely,

Meme Sweets Runyon
Executive Director

Enclosure

Cc: Senator Mitch McConnell

Senator Jim Bunning Senator Anne Northup Representative Ron Lewis Representative Geoff Davis Representative Ed Whitley Mayor Jerry Abramson

Sh-06-001-1191



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY REGION III 1650 Arch Street Philadelphia, Pennsylvania 19103-2029

The Honorable Mitch McConnell United States Senate Washington, DC 20510

AUG _ 2 2006

Dear Senator McConnell:

Thank you for your letter dated June 21, 2006 to the U.S. Environmental Protection Agency (EPA) on behalf of your constituent, Ms. Meme Sweets Runyon, Executive Director of River Fields, Inc., regarding the Ohio River Valley Water Sanitation Commission's (ORSANCO) proposed revisions to its Pollution Control Standards for Discharges to the Ohio River that address wet weather issues.

While EPA does not directly approve ORSANCO's Pollution Control Standards, EPA reviewed ORSANCO's proposed revisions to the standards and provided comments to ORSANCO during the public comment period. Following the initial review of comments received, ORSANCO referred the standards revisions that address wet weather issues back to an internal workgroup for further review. After consideration of all comments, ORSANCO may revise the proposed standards, finalize the standards as proposed, or withdraw the proposed recommendation for adoption by the ORSANCO Commission. Each member state may adopt ORSANCO's Pollution Control Standards into its water quality standards during the state's triennial review, which are then submitted to EPA for review and approval under Section 303(c) of the Clean Water Act and EPA's water quality standards regulations at 40 CFR Part 131.21.

If you have any questions, please do not hesitate to contact me or have your staff contact Mr. Eric Carlson, EPA's Western Pennsylvania/West Virginia Liaison, at 304-234-0233.

Sincerely,

Donald S. Welsh

Regional Administrator

Donald & Wilse.

MITCH MCCONNELL

361-A RUSSELL SENATE OFFICE BUILDING WASHINGTON, DC 20510-1702 (202) 224-2541 United States Senate

06-001-1192

MAJORITY WHIP

COMMITTEES AGRICULTURE

APPROPRIATIONS
SUBCOMMITTEE ON FOREIGN OPERATIONS

RULES AND ADMINISTRATION

June 20, 2006

The Honorable Stephen Johnson Administrator Environmental Protection Agency 1200 Pennsylvania Avenue, NW Washington, D.C. 20460-0001

Dear Administrator Johnson:

I am writing on behalf of a constituent who has contacted me regarding the Ohio River Pollution Control Standards. I would appreciate your review and response to my constituent's questions and concerns.

I have enclosed a copy of my constituent's correspondence, for your information. Please direct any inquiries and all relevant information to Pamela Simpson in my Washington, D.C. office.

Thank you for your time and assistance. I will look forward to receiving your response.

Sincerely,

MITCH McCONNELL

UNITED STATES SENATOR

MM/PS

Dr. and Mrs. James Kuhns 525 N. Hubbards Lane Louisville, KY 40207

Dear Senator McConnell

As a physician I have personally seen the ravages of diseases caused by body contact with fecally contaminated water (not the least of which was hepatitis).

I am concerned about your proposal to revise the Ohio River Pollution Control Standards. The Ohio River represents a significant resource for drinking water supplies and provides numerous cultural and recreational opportunities for the citizens of its border states in which hand to mouth contact is frequent. I am opposed to any changes in ORSANCO's Poliution Control Standards that will allow greater levels of pathogens into the Ohio River.

Every time I visit the banks of the Ohio, I notice people recreating in its waters. From a small child wading near the shore discovering mussel shells to swimmers, paddlers, sailors, and anglers, the river is in constant use by someone. I believe people use the river in all weather, even after it rains, so the standards should be kept high for all users, regardless of when they use the river. Specifically I object to the changes that

-Eliminate all bacteria standards for recreational use whenever the velocity anywhere on the river exceeds 2 miles/hour - allowing the limit for fecal coliform to increase from 200 colonies per 100 mL to 2,000 colonies per 100 mL!

-Increase the allowable limit for fecal coliform bacteria in any single sample

-Increase the allowable limit for E. coli bacteria in any single sample

-Eliminate the single sample maximum currently in place for E. coli bacteria

ORSANCO's proposal to lower water quality standards permits more sewage in the Ohio River. It's bad for public health, the economy, and the river. The Ohio River must be respected as more than just a drain to wash away municipal wastewater problems.

One city's drain is the next city's water supply.

I feel strongly that these proposed revisions should be rejected and if anything, the recreational protections along the Ohio River should be in effect year round.

Thank you for your support.

Thank you for considering my comments

Sincerely,

James G. Kuhns, M.D.



QL-06-UDI-1192

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY REGION III 1650 Arch Street Philadelphia, Pennsylvania 19103-2029

The Honorable Mitch McConnell United States Senate Washington, DC 20510

AUG _ 2 2006

Dear Senator McConnell:

Thank you for your letter dated June 20, 2006 to the U.S. Environmental Protection Agency (EPA) on behalf of your constituent, Dr. James G. Kuhns, regarding the Ohio River Valley Water Sanitation Commission's (ORSANCO) proposed revisions to its Pollution Control Standards for Discharges to the Ohio River that address wet weather issues.

While EPA does not directly approve ORSANCO's Pollution Control Standards, EPA reviewed ORSANCO's proposed revisions to the standards and provided comments to ORSANCO during the public comment period. Following the initial review of comments received, ORSANCO referred the standards revisions that address wet weather issues back to an internal workgroup for further review. After consideration of all comments, ORSANCO may revise the proposed standards, finalize the standards as proposed, or withdraw the proposed recommendation for adoption by the ORSANCO Commission. Each member state may adopt ORSANCO's Pollution Control Standards into its water quality standards during the state's triennial review, which are then submitted to EPA for review and approval under Section 303(c) of the Clean Water Act and EPA's water quality standards regulations at 40 CFR Part 131.21.

If you have any questions, please do not hesitate to contact me or have your staff contact Mr. Eric Carlson, EPA's Western Pennsylvania/West Virginia Liaison, at 304-234-0233.

Sincerely,

Donald S. Welsh

Regional Administrator

Arnald I Wilch

- SEP. 4. 2007 5:40PM MITCH MCCUNNELL KOMUCKY

ORDER SERVICE

07-001-4336

REPUBLICAN LEADER

AGRICULTURE

APPROPRIATIONS

361-A RUSSELL SENATE OFFICE BUILDING Washington, DC 20510-1702 (202) 224-2541

United States Senate

RULES AND ADMINISTRATION

September 4, 2007

The Honorable Stephen Johnson Administrator Environmental Protection Agency 1200 Pennsylvania Avenue, NW Washington, D.C. 20460-0001

Dear Administrator Johnson:

I write to express my support for the application submitted by Louisville Clean Energy for funding under the Innovative Feedstock Sources and Production Technologies for Renewable Fuels program (CFDA 66.034).

I understand that Louisville Clean Energy (LCE) proposes to construct renewable energy production facilities that operate without the use of fossil fuels. These facilities will produce biogas, bio-diesel, ethanol, and electricity through the use of integrated renewable energy technologies. In order to sustain facility operations, LCE plans to generate methane from local organic waste matter. LCE officials believe the unique combination of these technologies will increase efficiency and reduce overall costs. I hope you will realize the importance of this project to Kentucky and give appropriate consideration to the application.

Thank you for your time and attention to this matter.

Sincerely,

MITCH McCONNELL

UNITED STATES SENATOR

MM/at

U.S. Senator

TCH McCONNE

Room 361-A Russell Senate Office Building Phone: (202) 224-2541 FAX: (202) 224-2499

TO:

Atlison Thompson

FROM:

PAGES TO FOLLOW:

RE:

questions. Thanks!





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

OCT 1 2007

OFFICE OF AIR AND RADIATION

The Honorable Mitch McConnell United States Senate Washington, D.C. 20510-1702

Dear Senator McConnell:

Thank you for your letter of September 4, 2007, expressing your support for Louisville Clean Energy's application for the "Analysis of Innovative Feedstock Sources and Production Technologies for Renewable Fuels" Request for Proposals.

All applications for this solicitation have been received and are currently being reviewed by a panel of technical experts. Applicants can expect to be notified of the outcome by October 5, 2007.

Again, thank you for your letter. If you have further questions, please contact me or your staff may call Diann Frantz, in the Environmental Protection Agency's Office of Congressional and Intergovernmental Relations, at (202) 564-3668.

Sincerely.

Robert J. Møyers

Principal Deputy Assistant Administrator

SEP. 24. 2007 7:42PM MITCH MCCONNELL

ORDER SERVICE

07-601-5412

REPUBLICAN LEADER

COMMITTEES:

AGRICULTURE

APPROPRIATIONS

RULES AND ADMINISTRATION

NO. 466

361-A Russell Senate Office Bulloing Washington, DC 20510-1702 (202) 224-2541

KENTUCKY

United States Senate

September 24, 2007

The Honorable Stephen Johnson Administrator Environmental Protection Agency 1200 Pennsylvania Avenue, NW Washington, D.C. 20460-0001

Dear Administrator Johnson:

I am writing on behalf of a constituent who has contacted me regarding an apparent pollution problem in Northern Kentucky caused by a corporation located in Ohio. I would appreciate your review and response to my constituent's questions and concerns.

I have enclosed a copy of my constituent's correspondence, for your information. Please direct any inquiries and all relevant information to Allison Thompson in my Washington, D.C. office.

Thank you for your time and assistance. I will look forward to receiving your response.

Sincerely,

MITCH McCONNELL

UNITED STATES SENATOR

MM/at

GTMAY 17 PM 3: 23

The Honorable Mitch Mc Connell United States Senate 361 A Russell Senate Office Building Washington, D.C. 205 10-1702

Dear Senator Mc Connell,

l am writing, once again, to thank you so much for your help, with our continuous pollution problem from the Lanxess Corporation, in Addyston, Ohio; now known as Lustran Polymers, Lanxess Facility of Addyston, Ohio. Your efforts in making the national, regional and local EPA offices aware of the problem were most helpful. Lanxess reduced the number and level of their nightly polluting emissions for a short period of time. However, now that the pressure from the EPA seems to have been reduced, Lanxess is back to their old polluting habits. Despite the promised renovations and replacement of some antiquated equipment, Lanxess continues to violate what was to be their "Good Neighbor Policy". During these emissions which usually occur between midnight and 3:30 AM, my husband, Richard, continues to suffer intense coughing and struggles for every breath. It is very frightening, and this makes it very hard on all of us to get any quality sleep, especially since it is during the work week.

As I have mentioned in my previous correspondence, because our house in Erlanger is eleven miles east and across the river, we are the recipients of most of this pollution, as that is the usual direction of the wind. When it storms, Lanxess seems to continue to profit even more from the heavy rain and strong winds. It is such an intolerable situation. Several people in areas near Lanxess, have been given canisters in which they can entrap some of the air. The analyses of that air revealed heavy concentrations of Butadiene, Acrolonitrile, and Styrene. It would be very nice for us to secure one of those canisters, but Kentucky is not only across the river, but out of Ohio's jurisdiction.

My husband has kept a daily journal since 2005, and I have transferred it to calendars. I do not mind at all providing copies of these personal documents to the Federal EPA director, if it would help our case. At least, the pattern of emissions is very obvious; i.e. some nights there are none, followed by nights of up to nine releases. It is as though Lanxess has communiques as to when the air quality is to be officially monitored. Our only respite, at the present time, from the pollution is on national holidays or when we go out of town. We would appreciate your continued help in this horrible situation, and we are so appreciative of all that you have done for us. Thank you so very much, and I hope to hear from you soon.

Sincerely, Exp. Ce



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY REGION 5 77 WEST JACKSON BOULEVARD CHICAGO, IL 60604-3590

OST - 5 2007

REPLY TO THE ATTENTION OF:

(R-19J)

The Honorable Mitch McConnell United States Senate Washington, D.C. 20510

Dear Senator McConnell:

Thank you for your letter of September 24, 2007, regarding an apparent pollution problem in Northern Kentucky believed to be caused by Lanxess Corporation in Addyston, Ohio. In that letter, you provided a copy of a complaint submitted to you by Ms. 4x0-4

s in which she explains how she thinks pollution from Lanxess is impacting her and her husband.

U.S. Environmental Protection Agency Region 5 in Chicago, Illinois, is responsible for oversight of the Lanxess facility in Addyston and has devoted significant resources to investigating it. EPA performed a thorough inspection in September 2005 and subsequently issued Lanxess five requests to provide information to EPA. EPA found Lanxess to be in violation and cited them in June 2006 for improperly operating the flare control device and failing to properly inspect and operate piping systems to reduce leaks. EPA has met with the company twice since the June 2006 Notice of Violation, and recently issued the company an Administrative Order in May 2007, requiring them to comply with the Clean Air Act. EPA and the Ohio Environmental Protection Agency continue to monitor the progress Lanxess is making to reduce emissions and will take all actions necessary to bring Lanxess into compliance.

Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Mary Canavan, the Region 5 Congressional Liaison, at (312) 886-3000.

Sincerely,

Mary A. Gade

Regional Administrator

MITCH McCONNELL KENTUCKY

361-A RUSSELL SENATE OFFICE BUILDING WASHINGTON, DC 20510-1702 (202) 224-2541

0 8-000-10 25 REPUBLICAN LEADER United States Senate

APPROPRIATIONS

RULES AND ADMINISTRATION

January 7, 2008

Congressional Liaison **Environmental Protection Agency** 1200 Pennsylvania Avenue, NW Room 3426 ARN Washington, D.C. 20460

Dear Congressional Liaison:

I write on behalf of a constituent who has contacted me regarding an EPA Region IV Administrative Order. I would appreciate your review and response to my constituent's questions and concerns.

I have enclosed a copy of my constituent's correspondence, for your information. Please direct any inquiries and all relevant information to Allison Thompson in my Washington, D.C. office.

Thank you for your time and assistance. I will look forward to receiving your response.

Sincerely,

MITCH McCONNELL

UNITED STATES SENATOR

MM/at

WATER RESOURCE AGENCY

1722 Pleasant Valley Road • Owensboro, Kentucky 42303 Phone: (270) 687-8440 • Fax: (270) 687-8444

Progress Through Growth / Protecting Your Environment

December 20, 2007

Senator Mitch McConnell 241 E. Main Street Room 102 Bowling Green, KY 42101

RE: U.S. EPA Region IV Administrative Order

Dear Senator McConnell:

Per my conversation this afternoon with your office, I am writing this letter to explain the situation involving five of Kentucky's 17 communities that contain combined sewers. As I discussed with your office, Owensboro received notification this afternoon that US EPA Region 4 out of Atlanta, GA is objecting to certain provisions contained in enforcement orders that the Kentucky Division of Water (KDOW) had issued in September 2007 to fifteen small Kentucky communities.

At this time, EPA is planning to issue Administrative Orders to at least five communities under Section 309(a) of the CWA to establish deadlines on completing the LTCPs. The five communities being targeted by US EPA Region IV include: Owensboro, Paducah, Henderson, Ashland and Maysville. Orders to the remaining ten communities may follow. I am not sure about EPA's intervention in the two largest communities (i.e., Louisville and Northern Kentucky).

Each of the fifteen Kentucky communities has spent considerable time and resources over the past twelve months negotiating the terms and conditions contained within the KDOW issued enforcement orders. These conditions are consistent with the requirements of other federal and state enforcement actions dealing with CSOs that have been issued to other communities around the country.

In September 2007, each of the 15 communities defined as "small communities" by EPA entered into Consent Judgments with the Kentucky Division of Water (DOW). Each of the 15 communities was given a defined time period to develop a "Long-Term Control Plan" (LTCP) that would be administered and governed by DOW. An LTCP is a plan developed by each community to outline the projects, programs and measures to address combined sewer overflows (CSOs) in order to reduce environmental impacts associated with them. It was initially the understanding of each community with DOW

Senator Mitch McConnell December 20, 2007 Page Two

that once the LTCPs were developed, and the specific requirements established, that each community, with approval from the Division of Water, would determine an appropriate and reasonable timeframe necessary to complete the implementation of the plan. However, today Owensboro, along with the other communities, are being notified that EPA Region IV is in the process of filing an Administrative Order requiring EPA oversight and an implementation schedule not to exceed ten years. Communities around the country have received 20 years or more to implement programs associated with their LTCP. Regardless, they are requiring this timeframe without the LTCP being completed which would outline the specifics of what needs to be done in each individual community. It appears that this is an arbitrary deadline with no technical basis or any consideration of the logistical issues associated with such a deadline.

The financial impacts to the communities associated with this Administrative Order are potentially tremendous. We respectfully request that the communities have the opportunity to meet with US EPA Region IV administrators before the initiation of any Administrative Order that would have this type of impact on a community.

Immediate action regarding this issue is imperative in order to defer the issuance of the Orders. I would like an opportunity to forward this information to you on behalf of the communities involved so that you may contact the appropriate individuals to assist these Kentucky communities in this matter. Any support that you can provide in this matter would be greatly appreciated.

incere

David W. Hawes
Executive Director

DWH/ekp

MITCH McCONNELL
KENTUCKY

361-A RUSSELL SENATE OFFICE BUILDING WASHINGTON, DC 20510-1702 {202} 224-2541 10-001-8855

REPUBLICAN LEADER

COMMITTEES: AGRICULTURE

APPROPRIATIONS
RULES AND ADMINISTRATION

United States Senate

October 14, 2010

The Honorable Lisa Jackson Administrator Environmental Protection Agency 1200 Pennsylvania Avenue NW Washington, D.C. 20460

Dear Administrator Jackson:

I write to express my support for the applications submitted by the City of Covington for Brownfields Assessment and Cleanup grants from the Environmental Protection Agency.

It is my understanding that the City of Covington and its partners seek funds to cleanup property for downtown redevelopment. Specifically, Covington will use funds to assess petroleum and hazardous substance concerns, as well as cleanup a site for reuse as a community center. It is the city's hope to identify and remediate environmental and health threat, and place idle properties back into community use.

I hope you will realize the importance of these funds to Kentucky and give full and fair consideration to the application.

Thank you for your time and attention to this matter.

Sincerely,

MITCH McCONNELL

UNITED STATES SENATOR

MM/al



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY WASHINGTON, D.C. 20460

DEC - 7 2010

OFFICE OF SOLID WASTE AND EMERGENCY RESPONSE

The Honorable Mitch McConnell United States Senate Washington, D.C. 20510

Dear Senator McConnell:

Thank you for your letter of October 14, 2010, supporting the Brownfields Grant Proposal from the city of Covington. I appreciate your interest in the Brownfields Program and your support of this proposal.

As you know, the Small Business Liability Relief and Brownfields Revitalization Act assists states and communities throughout the country in their efforts to revitalize and reclaim brownfields sites. This program is an excellent example of the success that is possible when people of all points of view work together to improve the environment and their communities.

Last year's application process was highly competitive, with EPA evaluating more than 600 grant proposals. From these proposals, EPA was able to announce the selection of approximately 300 grants.

EPA's selection criteria for grant proposals are available in the *Proposal Guidelines for Brownfields Assessment, Revolving Loan Fund, and Cleanup Grants (August 2010)*, posted on our brownfields web site at www.epa.gov/brownfields. Each proposal will be carefully reviewed and evaluated by a selection panel that applies these objective criteria in this highly competitive program. Be assured that the grant proposal submitted by the city of Covington will be given every consideration.

Again, thank you for your letter. If you have further questions, please contact me or your staff may call Amy Hayden, in EPA's Office of Congressional and Intergovernmental Relations, at (202) 564-0555.

Sincerely,

Mathy Stanislaus

Assistant Administrator

14-000 · 2909 3864 P.

Cent Charlies

U.S. Senator

MITCH McCONNELL

Room 361-A Russell Senate Office Building

Phone: (202) 224-2541 FAX: (202) 224-2499

102-50/15/9

TO:

Administrator Leavitt

PAGES TO

FROM:

Office of Senatar Mitch Mobands Wiehael Zehr - Env. LA

FOLLOW: 6

RE:

PM-25



NO. 3864 P. 2

MAJORITY WHIP

MITCH MCCONNELL

361-A Russell Senate Office Building Washington, DC 20510-1702 (202) 224-2541

United States Senate

AGRICULTURE
APPROPRIATIONS
BUSCOMMITTES ON PORIGIN OPERATIONS

RULES AND ADMINISTRATION

December 9, 2004

The Honorable Michael O. Leavitt Administrator Environmental Protection Agency 1200 Pennsylvania Avenue, N.W. Washington, D.C. 20460

Dear Administrator Leavitt:

I contact you regarding the preliminary designation of Boyd County, Kentucky as a non-attainment area for PM-2.5. As you know, these designations will have significant impacts on economic development in these counties, and it is important that every effort be made to make sure that the designations take all relevant information into consideration.

Judge Bill F. Scott recently contacted me regarding an issue involving a calculation problem in analyzing the monitoring data used for the designation. I have enclosed a copy of Judge Scott's letter for your review. I would appreciate your consideration of the county's concerns regarding this designation.

Thank you for your efforts on this matter, and I look forward to your response.

Sincerely,

MITCH McCONNELL

UNITED STATES SENATOR

Enclosure

BOYD COUNTY JUDGE EXECUTIVE BILL F. SCOTT

P. O. BOX 423 CATLETTSBURG, KENTUCKY 41129

TTY/TTD (800) 247-2510



(606) 739-4134 FAX (606) 739-5446

December 8, 2004

Senator Mitch McConnell 361-A Russell Senate Office Building Washington, DC 20510

Dear Senetor McConnell:

I again seek your assistance concerning the preliminary designation of our County as nonattainment of PM-2.5. I wrote you on September 28th because the Kentucky Division for Air Quality was scheduled to meet with U.S. EPA in Atlanta on October 6th to discuss Kentucky's analysis and conclusion that our County should be designated as attainment. On October 4th you sent a copy of my letter to Administrator Leavitt in order that he would be aware of our concerns and why I believe that it would be a terrible mistake for U.S. EPA to designate Boyd County as nonattainment for PM-2.5. I greatly appreciate your sending the letter to Administrator Leavitt.

We have followed the consultations between Kentucky and U.S. EPA and are advised that Administrator Leavitt will make his final decisions concerning our County probably within the next ten (10) days.

I am writing to you today to express concern that a calculation problem in analyzing the monitoring data has not been corrected. In the October 6th Atlanta meeting, Kentucky brought to U.S. EPA's attention that the Office of Air Quality Planning and Standards Organization was not using correct data in determining the design values for each of the monitors. U.S. EPA apparently acknowledged the problem but I cannot get confirmation that the calculations have been corrected.

in my September 28th letter I also expressed concern that U.S. EPA's reliance on a weighted emission averaging methodolgy did not include consideration of all of the adjacent County emissions in its calculations and also may not be considering our declining population as required by EPA's nine factor analysis.



I regret having to bother you again, but I hope that you will make our concerns known to Administrator Leavitt so that we can be assured that the calculation problem in the analysis of monitoring data has been corrected and that U.S. EPA will follow its own guidelines and the Law in determining our County's future.

Sincerely,

BIJ F. Scott

Boyd County Judge Executive

cc: Secretary Lajuana S. Wilcher
Environmental and Public Protection Cabinet
Capitol Plaza Tower, 5th Floor
Frankfort, KY 40601

Commissioner Lloyd Cress
Department for Environmental Protection
Environmental and Public Protection Cabinet
14 Reily Road
Frankfort, KY 40601

Director John Lyons
Division for Air Quality
Department for Environmental Protection
Environmental and Public Protection Cabinet
803 Schenkel Lane
Frankfort, KY 40801-1403

09/19/04 WED 15:49 PAX 502 841 8328

MCCONNELL LOUISVILLE

→+→ DC

002

BOYD COUNTY JUDGE EXECUTIVE BILL F. SCOTT

P. O. BOX 429 CATLETTSBURG, KENTUCKY 41129

TTY/TTD (800) 247-2510



(606) 739-4134 FAX (606) 739-5446

September 28, 2004

Fax (202) 224-2499

Senator Mitch McConneil
361-A Russell Senate Office Building
Washington, DC 20510

Dear Senator McConnell:

I am writing to you because we greatly need your assistance concerning a conference between U.S. EPA and the Kentneky Division for Air Quality which will be extremely important to our future. Because our small community has lost approximately 2,000 jobs in the past two years, economic development has become one of our County's most important priorities. Therefore, we were surprised and concerned when, on June 29, 2004, U.S. EPA rejected Kentneky's recommendations and preliminarily designated our County as nonattainment for PM-2.5. We were, quite frankly, astonished because the monitor located in our County shows attainment for the standard and we had relied on these monitoring results.

We have investigated the basis for the preliminary designation. We have reviewed U.S. EPA's nine factor analysis which was posted on the web at the time of the preliminary designation. We have also reviewed Kentucky's August 27 response which is also on the web. We understand that U.S. EPA and Kentucky will meet in Atlanta on October 6. At that meeting or soon after the meeting, U.S. EPA will make a final decision about our County. Though we understand the important job that U.S. EPA is performing for our citizens, we also suspect that the staff of the Office of Air Quality Planning and Standards Organization may have limited time and resources to review submittals for each of the 243 counties which received the preliminary designations of nonattainment. Therefore, we request your assistance in determining how we can be assured that the final decision is based on a thorough review of all the important information submitted by Kentucky.



An Equal Opportunity Employer M/F/D

08/29/04 WED 15:49 FAX 802 582 5328

ACCONNELL LOUISVILLE

+++ DC

Ø 003

I am enclosing Kentucky's response to U.S. EPA which is posted on the web. It is our understanding that before Boyd County can be designated nonattainment, the law requires U.S. EPA to demonstrate that our County is either exceeding the standard or is significantly contributing to nearby nonattainment. Since the monitor in Boyd County shows attainment, U.S. EPA has reached the preliminary conclusion that our County significantly contributes to nonattainment in other areas. This conclusion apparently is based upon U.S. EPA's reliance on a weighted emission averaging methodology. However, it appears that U.S. EPA failed to take into consideration all the adjacent county emissions in its calculations. If it will do so, U.S. EPA's own weighted emission scoring methodology will show that our County does not contribute significantly to PM-2.5 levels in the region.

Therefore, it seems to us that U.S. EPA will make a terrible mistake if it designates Boyd County as nonattainment for PM-2.5. This mistake will have a dramatic impact on our future. Not only will designating our County as nonattainment be a devastating blow to our efforts to attract new industry, it will be even more difficult to encourage our existing industry to modernize and preserve existing jobs. It will be difficult, if not impossible, for local industry to plan expansions when it will not be known until February 2008 what the regulatory requirements will be to achieve compliance with the new standards by February 2010. Additionally, any company considering locating or expanding in Boyd County will be subjected to a lengthy and expensive permitting process including the burdensome requirement of installing equipment that achieves the lowest schievable emission rate (LAER), rather than the conventional equipment allowed in other areas.

I hope that you understand why we are so conserned with the outcome of the October 6 conference between U.S. EPA and Kennucky. The conference is not only important to the citizens of Boyd County but also to the many West Virginians and Ohiosas who work in our County producing products which are important to our country's economy and its defense. As you know, we are strong supporters of President Bush. At our local rally on September 10, the President assured us his Administration is doing all it can to regain lost jobs. We know that the President must have a great deal of confidence in Administrator Leavitt. Therefore, we will greatly appreciate it if you will determine how we may make our concerns known to Administrator Leavitt and receive assurances that the information recently submitted by Kentucky will be thoroughly and fairly reviewed before Administrator Leavitt makes his final decialon.

Sinceraly

Bill F. Scott

Boyd County Judge/Executive

Secretary Lajuana S. Wilcher
Environmental and Public Protection Cabinet
Capital Plaza Tower, 5th Floor
Prankfort, KY 40601

CO:

09/29/04 WED 15:50 PAX 502 582 6326

MCCONNELL LOUISVILLE

+++ DC

2004

Commissioner Lloyd Cress
Department for Environmental Protection
Environmental and Public Protection Cabinet
14 Reilly Road
Frankfort, KY 40601

Director John Lyons
Division for Air Quality
Department for Environmental Protection
Environmental and Public Protection Cabinet
803 Schenkel Lane
Frankfort, KY 40601-1403



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

HEGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 00303-8960

DEC 1 6 2004

The Honorable Mitch McConnell United States Senate Washington, DC 20510-1702

Dear Senator McConnell:

Thank you for your December 9, 2004, letter concerning fine particulate matter (PM2.5) designations and Boyd County, Kentucky. You forwarded a letter from Judge Bill F. Scott regarding an issue involving a calculation problem in analyzing the monitoring data used for the designation and other designation issues.

As mentioned in my June 28, 2004, and October 28, 2004 letters to you, EPA uses the most recent three years of monitoring data to determine if a monitor is recording a violation. The next step is to determine if there are any nearby areas that are contributing to the violation and include them in the designated nonattainment area. In making this determination, we review all available technical data related to nine factors set out in the April 1, 2003, guidance such as air quality, source locations and emissions, meteorology, terrain, population, commuting, and growth in the area. It is important to remember that PM2.5 is a regional pollutant and can be transported by prevailing wind.

In making designations, we review each county in every area with a violating monitor for the aforementioned nine factors. While we look for national consistency with our decisions and designations, we evaluate each area individually. EPA and Kentucky have been in extensive dialogue over the past several months regarding the PM2.5 designation process. The Commonwealth has submitted extensive information regarding the Ashland area.

EPA is using the current information for this area. We have verified with the EPA Office of Air Quality Planning and Standards that we are using the corrected ambient monitoring data, and are comparing the emissions from Boyd County with the emissions in the entire area, including adjacent counties. We also are aware of the declining growth for Boyd County. Growth is one of the factors for assessing the size of the nonattainment area. All of this information is being included in the decision making process which is expected to occur on December 17, 2004, but no later than December 31, 2004.

If you have questions or need additional information from EPA, please contact me or the Region 4 Office of Congressional and Intergovernmental Relations at (404) 562-8327.

Sincerely,

J. I. Palmer, Jr.
Regional Administrator

Coll majustan

U.S. Senator

MITCH McCONNELL

601 West Broadway Room 630 Louisville, KY 40202

Phone: (502) 582-6304 FAX: (502) 582-5326

TQ:

Charles Ingebratson

FAX:

202-501-1519

PAGES TO 8

FROM:

Melania Wilson

DATE:

February 15, 2005

RE:

Mr. William K. Collins

This fax is in reference to Mr. Collins. He contacted our office regarding the

financial hardship he now faces due to fines levied against him as a result of his company's

EPCRA violations. For your reference, I am forwarding you a copy of his correspondence. Your

consideration, findings, and views concerning this matter will be greatly appreciated. Thank you.



BC OIL COMPANY, INC.

Bill Collins Oil Co. Inc.

P.O. Box 275 Greensburg, KY 42743

270-932-3120 Faic 270-932-6383 email: bcol@kh.net

February 15, 2005

Senator Mitch McConnell 601 West Broadway, Suite 630 Louisville, KY 40202

ATT: Ms. Melanie Wilson

FAXED: 502-582-5326

Senator McConnell:

Per my telephone conversation today with Ms. Wilson, please find included with this letter an Enforcement Letter from the federal EPA as well as other supporting documents.

We own and operate a small bulk fuels facility in Greensburg, Kentucky, and the Enforcement Letter is in response to our not filing a Tier Two Emergency and Hazardous Chemical Inventory form for the calendar years of 2002 and 2003, with the Kentucky Emergency Response Commission(copy of completed forms attached) and including the \$80.00 in fees. These forms are due by March 1 of each year for the prior year.

Prior to calendar year 2002, we received a letter from the local agency (copy attached) reminding us to file the forms. Since that time, we have not received any letter or notices reminding us to file or informing us that we were delinquent in filing these forms. Instead we received a phone call last Wednesday (February 9, 2005) from John Deutsch with the EPA in Atlanta informing us we were in violation and an Enforcement Letter would be forthcoming. He said that our case had been referred to him by the Kentucky Emergency Response Commission in Frankfort. I advised Mr. Deutsch that we were unaware of any violation, that if we were it was unintentional and that we would immediately file the forms and fax him a copy as evidence. He informed me that an Enforcement Letter would be sent anyway with a civil penalty. Since we were delinquent, I assumed a penalty of around \$1,000.

When I received the enforcement letter yesterday, I was shocked to see a penalty of \$50,253 which could be adjusted down to \$17,751. I believe that either amount is grossly unfair and out of reason based upon the fact that only \$80.00 in fees is involved and that

P. 02

all the forms for all the years are the same because the same gallonage reporting parameters apply to all years involved for our company.

Would you please look into this situation on our behalf? We are a small company that serves a small community and in an economic period of competing against the "Wal-Marts" selling gasoline below cost and the \$17,751 would result in an undue hardship on us and possibly our closing our bulk fuel facility.

Sincerely.

William K. Collins
President
Social Security!

Federal ID #61-1156345



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4
ATLANTA FEDERAL CENTER
81 FORSYTH STREET
ATLANTA, GEORGIA 30303-8860

Pebruary 11, 2005

4 APT-EES

FEDERAL EXPRESS

Mr. Bill Collins Owner BC Oil Company, Inc. 202 Durham Street Greenshurg, Kentucky 42743 w/14/05

SUBJECT: Notice of Violation and Opportunity to Show Cause

Dear Mr. Collins:

Based on information provided by the Kentucky Emergency Response Commission, it has been determined that your facility located at 202 Durham Street, Greensburg, Kentucky, is in violation of Section 312 of EPCRA, 42 U.S.C. § 11022, and the regulations promulgated at 40 CFR Part 370. This lotter explains the nature of these violations as we understand them given the information currently available to us.

Although settlement discussions may take place at subsequent stages of the enforcement process, we are, by this letter, offering the opportunity to conduct settlement discussions prior to the filing of a complaint. If agreement on a settlement can be reached, the settlement would be implemented through a Consent Agreement and Final Order. Outlined below is a summary of the violations and application of EPA's Enforcement Response Policy (ERP) for Sections 304, 311 and 312 of EPCRA. A copy of this ERP is enclosed.

I. Summary of the Violations

EPCRA Section 312 requires the owner or operator of a facility required under the Occupational Safety and Health Act (OSHA) of 1970 to prepare or have available a Material Safety Data Sheet (MSDS) for a hazardous chemical to submit by March 1 of each year a completed emergency and a hazardous chemical inventory form (Tier II form). The form must contain information on all hazardous chemicals present at the facility during the previous calendar year in amounts that meet or exceed relevant regulatory thresholds and must be submitted to the State Emergency Response Commission (SERC), the Local Emergency Planning Committee (LEPC), and the fire depurtment with jurisdiction over the facility.

2

EPA has determined that BC Oil Company had low suifur diesel, high suifur diesel, kerosene, and gasoline on-site above the reporting threshold of 10,000 pounds for calendar years 2003 and 2002 at their bulk storage facility. However, BC Oil Company did not submit the Tier II forms by March 1 of the following year for calendar years 2003 and 2002 as required under EPCRA Section 312.

Pursuant to Section 325(c) of EFCRA, 42 U.S.C. § 11045(c), and 40 CFR Part 19, EPA may assess a penalty of not more than \$32,500 for each violation of Section 312 that occurred on or after March 15, 2004.

il. Application of the Penalty Policy

The ERP is used by EPA to ensure that enforcement actions for violations of EPCRA are "legally justifiable, uniform and consistent" (ERP, Page 3). As an internal Agency matter, we follow the ERP when settling EPCRA enforcement actions. This is EPA's primary means for ensuring that similar violations receive similar treatment. Although, as the ERP explains, there may be circumstances that warrant deviation from the ERP, we must be able to explain and document any such deviations.

The ERP directs us to calculate a penalty based on consideration of the statutory factors found in EPCRA Section 325(b)(1)(C). This is accomplished through a two-step process: (1) the determination of a "base penalty," and (2) allowing for applicable adjustments.

A. Base Penalty Calculation

For EPCRA Section 312 violations occurring after March 15, 2004, the base penalty is calculated according to the matrix found on Page 21 of the ERP. During 2003, there was low sulfur diesel present at BC Oil Company Inc. in amounts greater than the reporting threshold. A Tier II form was not submitted by March 1, 2004, as required. For this violation, the Extent Level is 1 (failure to submit the Tier II form within 30 calendar days of the reporting deadline) and the Gravity Level is B (low sulfur diesel was present in amounts greater than five times but less than or equal to ten times the reporting threshold). According to the matrix, the appropriate penalty range for Level 1B is \$24,375 - \$16,251. Based on review of the circumstances, we believe the minimum amount of the penalty range. \$16,251, is appropriate. As explained in the ERP, EPA considers the failure to report to the SERC, the LEPC, and the local fire department as separate violations. Thus, the penalty for these three violations for failing to report low sulfur fuel for 2003 amounts to \$48,753 (3 x \$16,251).

For previous years of noncompliance, a flat penalty of \$1,500 per year should be assessed, except where the facts and circumstances warrant the imposition of the full gravity-based penalty. Violations for failing to submit completed Tier II forms for low sulfur diesel for year 2002 would result in a \$1,500 penalty. This results in a maximum base penalty of \$50,253 [(48,753 (year 2003) + \$1,500 (year 2002)].

P. 05

3

For purposes of settlement and since BC Oil Company, Inc. does not have any previous EPCRA violations, we are willing to compress the three reporting location violations (i.e., SERC, LEPC, and fire department), for the EPCRA Section 312 current year violations into one violation. This would result in a proposed base penalty, for settlement purposes only, of \$17,751 [(\$16,251 (year 2003 + \$1,500 (year 2002)].

B. Adjustments to the Base Penalty

Consistent with the factors set forth in EPCRA Section 325(b)(1)(C), the ERP directs us to consider various factors relevant to the violator's situation. We believe the following "adjustment factors" described below may be applicable for reduction of the \$17,751 base penalty.

The ERP allows for reductions of the base penalty based upon the company's "attitude." The penalty may be reduced by up to 25% based upon the cooperation shown throughout the compliance evaluation/enforcement process. Factors include a company's cooperation and preparedness during the settlement process, and speed and completeness in achieving compliance. One of the reasons for our decision to send this latter prior to filing a complaint is to provide BC Oil Company, Inc. with an opportunity to maximize this particular avenue for flexibility in the ERP. Additionally, note that the ERP allows for an additional 10% reduction where a settlement occurs within 90 days of issuance of the complaint and a 15% downward adjustment for small business.

In presenting this analysis of the ERP, we hope to provide a foundation for settlement discussions should BC Oil Company. Inc. accept this invitation to enter into such a dialogue. Additionally, for settlement purposes only, we would consider reducing the proposed penalty of \$17,751 using any applicable adjustment factors in the ERP.

If BC Oil Company, Inc. wishes to engage in settlement dialogue, we request that you contact either Mr. Robert Bookman at (404) 562-9169 or Mr. John Deutsch at (404) 562-9185 by February 28, 2005. You may also respond in writing with a specific settlement offer that is responsive to the ERP and to EPA's settlement requirements as outlined in this letter. Failure to respond by February 28, 2005, will be taken as an indication that settlement negotiations should not be expected at this time.

Anthony G. Toney, Chief

EPCRA Enforcement Section

Enclosure: ERP for EPCRA

P. 86

Green County Local Emergency Planning Committee 203 West Court St. Greenaburg, Ky. 42743 Tel: (270) \$32-4258 / (270) \$32-3471

January 25, 2002

Dear Green County Business.

The Green County Emergency Planning Committee (LEPC) is dedicated to giving you the Information and assistance to complete your Title III, "Community Right To Know Lew", requirements for the Commonwealth of Kentucky and the Federal EPA.

Please take note of the information below, that gives the correct 2002 addresses for mailting the three godies of your Tier II form. We have recently completed an audit of the counties reporting businesses, and found several errors by businesses and apencies in who they send cooles too. We hope this will easiet you.

If you have further questions, or need help in completing the paperwork, please feet free to call James W. Adkins (Chairman) @ 270-832-4258, or Malcolm Franklin (KyEM) @ 606-677-4133.

When Tier II reports are completed you are required to mail the reports to the following three locations.

- Original Report and any fee required to: 1. Kantucky Emergency Response Commission EOC. Boone Center Frankfort KY 40801-8168
- Copy of report and MSDS Sheets to: 2. **Green County LEPC** 203 West Court St Greeneburg, KY 42743
- Copy to your local Fire Department 3.

Carolyn S. Adkins Becretary / Tressurer.

The state of the s		The state of the s	THE REPORT OF THE PARTY OF THE	Chemical Description	The Ten 2011 Calling The Ten 2
(40%)					Mink Dil Ca.
Optional Attacks () the manufacture of the order of the o	1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1			Escatory	
Chock Appropriate [] 200 in made [] 200 in made [] 200 in made [] 200 in made	A TEN WATER DIRECT MICE.	waste Diked Rees	A 1 8 Wittin Ditablement	The Code and Location Confidencial Confidencial Confidencial	Constant Collins Consections Chillia Checkson Manne Consection Chillia Collins Manne Consection Chillian Collins Manne Consection Chillian Collins Manne Consection Chillian Collins Manne Consection Consec

		TO THE TANK OF THE PERSON NO.	THE REAL PROPERTY OF THE PARTY	Chemical Description	The The Sold During St. AND ADDRESS OF SOLD S
1 at 21 k					
Optimed Attachments of the material districts of the material district	(2) (2) (2) (2) (3) (4) (4) (4) (4) (4) (4) (4) (4) (4) (4			limetay	Ky was a series of the series
Check Appropriate [] 128 to make [] 15 to make [Willia Diked Acce	at 19 at 26 a Diked Aces		The Code and Leasting (Nam-Codd testing)	Chillian K. Collins Millian K. Collins Milli



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

MAR 1 0 2005

The Honorable Mitch McConnell United States Senator 601 West Broadway, Room 630 Louisville, Kentucky 40202

Dear Senator McConnell:

Thank you for your February 18, 2005, letter on behalf of Mr. William K. Collins of BC Oil Company, Inc., concerning BC Oil's alleged violations of the Emergency Planning and Community Right-to-Know Act (EPCRA).

Compliance with EPCRA is significant because these regulations establish emergency planning requirements and community right-to-know provision for chemical safety. States and communities are provided with information necessary to protect emergency responders and aid emergency response planning in the local community. The need for timely reporting has always remained important and, with the establishment of the Office of Homeland Security, the information required under these regulations has become especially critical for guiding appropriate response activities in today's heightened security environment.

The U.S. Environmental Protection Agency (EPA) is currently in settlement discussions with BC Oil Company, Inc. EPA has been in contact with BC Oil Company, Inc., regarding the submission of documentation to verify the filing of Tier II reports for calendar years 2002 and 2003. As a result of our negotiations, on February 28, 2005, BC Oil Company and EPA reached a settlement in principle for the resolution of this enforcement action. EPA is committed to continuing to work with the company, including offering all applicable penalty reductions, in an attempt to resolve this matter.

If you have questions or need additional information from EPA, please contact me or the Region 4 Office of Congressional and Intergovernmental Relations at (404) 562-8327.

Sincerely,

J. I. Palmer, Jr.

Regional Administrator

REPUBLICAN LEADER COMMITTEES: AGRICULTURE

APPROPRIATIONS

RULES AND ADMINISTRATION

361-A RUSSELL SENATE OFFICE BUILDING WASHINGTON, DC 20510-1702 (202) 224-2541

Kentuary

United States Senate 07-000-3852

March 5, 2007

The Honorable Stephen Johnson Administrator Environmental Protection Agency 1200 Pennsylvania Avenue, NW Washington, D.C. 20460-0001

Dear Administrator Johnson:

I write to express my support for a project under the jurisdiction of the U.S. Environmental Protection Agency (EPA) that benefits the Kentucky Rural Water Association. I have enclosed a copy of a letter that I received from the Kentucky Rural Water Association regarding this issue.

It is my understanding that the Kentucky Rural Water Association, as an affiliate of the National Rural Water Association, receives funding under the EPA Environmental Programs Management account to employ three experts who provide training and technical assistance to over 400 public drinking water and wastewater utilities in the Commonwealth of Kentucky. This assistance helps Kentucky implement the Safe Drinking Water Act and the Clean Water Act.

In accordance with Section 113 of P.L. 110-5, I understand that you are working to prepare a spending plan for Fiscal Year 2007. I respectfully request, therefore, that you include sufficient funds to continue the programs administered by the Kentucky Rural Water Association.

Thank you for your time and attention to this matter.

Sincerely.

UNITED STATES SENATOR

MM/bdb



Kentucky Rural Water Association

Helping water and wastewater utilities help themselves

March 5, 2007

The Honorable Mitch McConnell United States Senator 361-A Russell Senate Office Building Washington D.C. 20510

Dear Senator McConnell:

We need your Help! We respectfully request your assistance by contacting and encouraging EPA Administrator Stephen Johnson to continue the funding for important programs offered by the National Rural Water Association (NRWA) that are funded by the Environmental Programs Management (EPM) appropriations provided to the agency in the FY 2007 Continuing Resolution (CR).

The Kentucky Rural Water Association, an affiliate of NRWA, relies on EPM funding to employ three experts- Kentucky's Groundwater Specialist, Source Water Specialist, and Training Specialist. These experts provide hands-on training and technical assistance to over 400 public drinking water and wastewater utilities in the Commonwealth of Kentucky. Communities in Kentucky depend on these experts to protect drinking water quality and to comply with federal mandates. Rural water training and technical assistance is often the most valuable assistance small communities receive to protect their water supplies and comply with federal rules.

This nationwide effort is truly unique because it accomplishes progressive environmental protection with the support of the local community. Without these proven assistance programs, effective implementation of the Safe Drinking Water Act and Clean Water Act in Kentucky would be extremely difficult and more time-consuming. All of Kentucky's communities strive to comply with the regulations, provide safe drinking water and protect our precious water resources. These programs are vital to the small and rural areas of Kentucky to help reach these goals.

Your assistance with in this matter is greatly appreciated. If you have any questions, or need additional information, please do not hesitate to contact me.

Sincerely,

David Peterson, President

Board of Directors

Kentucky Rural Water Association



DAVE CAMP FOR CONGRESS 2007 MAX DONOR PROGRAM \$5,000 PAC / \$1,000 INDIVIDUAL

FUNDRAISING EVENTS (DC):

• Two complimentary fundraising events (Breakfasts or Dinners)

QUARTERLY ROUNDTABLE BREAKFASTS (MAX DONOR ONLY):

LOCATION:

Capitol Hill Club, 300 First Street SE

TIME:

8:00 a.m.

DATES:

Thursday, March 15, 2007

Thursday, June 14, 2007 Thursday, September 6, 2007 Thursday, October 25, 2007

MICHIGAN GOLF OUTING:

- DATE
 - Arrive, Monday, August 20, 2007
 - Depart, Tuesday, August 21, 2007
- Course
 - St. Ives Golf Club, Stanwood, Michigan

(http://www.canadianlakes.com/stivesmain.asp)

Golf Digest:

5 Star Rating

Golf Magazine:

Top 100 Courses To Play

Golf Digest:

#1 New Upscale Golf Course (2002)

- ACCOMMODATIONS
 - The Inn At St. Ives
- ITINERARY (TENTATIVE, SUBJECT TO CHANGE):

Monday, August 20:

Arrive / Dinner

Tuesday, August 21:

Morning Round of Golf / Lunch / Depart

Please contact Vita Levatino for more information regarding the 2007 Dave Camp for Congress Max Donor Program.

(202.737.0225 or vlevatino@levatinogroup.com)

Federal law requires us to report the name, address, occupation and employer of each contributor who gives more than \$200 in an election cycle to Dave Camp for Congress.

Contributions are not tax deductible.

Corporate contributions are prohibited.

Paid for and Authorized by Dave Camp for Congress, Gwen Lang, Treasurer

U.S. Senator

IITCH McCONNELL

Room 361-A

Russell Senate Office Building

Phone: (202) 224-2541

FAX: (202) 224-2499

FROM:

TO:

Brytt Brooks Stephane Dagle FUI. Shanks

PAGES TO FOLLOW: 3

RE:





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY WASHINGTON, D.C. 20460

MAR 3 0 2007

OFFICE OF

The Honorable Mitch McConnell United States Senate Washington, DC 20510

Dear Senator McConnell:

Thank you for your letter of March 5, 2007, to Stephen L. Johnson, Administrator of the Environmental Protection Agency (EPA), expressing your support for provision of funding to the National Rural Water Association (NRWA) from discretionary money that may be available to the Agency in the final Fiscal Year 2007 budget. I have been asked to respond to your letter on behalf of the Administrator. EPA agrees with you that it is critical to provide training and technical assistance to small drinking water systems to ensure that they are able to comply with standards under the Safe Drinking Water Act.

As you know, the NRWA receives financial assistance through Congressionally-directed funding in EPA's appropriations bills. EPA has included funding in its Fiscal Year 2007 operating plan for a rural water competitive grant program to provide training and technical support for small drinking water systems.

I want to assure you that EPA will also continue to support small systems through our other activities. The Agency supports training and develops targeted tools to help support small system implementation of regulatory requirements. States can also use funding from their Drinking Water State Revolving Fund (DWSRF) grants to support small systems. In addition to the \$14 million expended in FY 2006 for technical assistance to small systems, states also expended an additional \$38 million for other set-aside activities that primarily benefit small systems.

Again, thank you for your letter. If you have further questions, please contact me or your staff may call Steven Kinberg, in EPA's Office of Congressional and Intergovernmental Relations, at (202) 564-5037.

Sincerely,

Benjamin H. Grumbles
Assistant Administrator

MITCH McCONNELL KENTUCKY

08-601-2054

REPUBLICAN LEADER COMMITTEES-

AGRICULTURE APPROPRIATIONS

361-A RUSSELL SENATE OFFICE BUILDING WASHINGTON, DC 20510-1702 (202) 224-2541

United States Senate

RULES AND ADMINISTRATION

September 11, 2008

The Honorable Stephen Johnson Administrator Environmental Protection Agency 1200 Pennsylvania Avenue, NW Washington, D.C. 20460-0001

Dear Administrator Johnson:

I write on behalf of the Kentucky Division of Forestry. Division Director Leah MacSwords is concerned about the Environmental Protection Agency's regulations on soil furnigants.

I have enclosed a copy of Ms. MacSwords' correspondence, for your information. Please direct any inquiries and all relevant information to Allison Thompson in my Washington, D.C. office.

Thank you for your time and assistance. I will look forward to receiving your response.

Sincerely.

MITCH McCONNELL

UNITED STATES SENATOR

MM/at



ENERGY AND ENVIRONMENT CABINET

Steven L. Beshear Governor Division of Forestry 627 Comanche Trail Frankfort, Kentucky 40601 www.forestry.ky.gov

Leonard K. Peters Secretary

Leah W. MacSwords Director

September 15, 2008

Office of Pesticide Programs Regulatory Public Docket (7502P)
Environmental Protection Agency
1200 Pennsylvania Ave. NW
Washington, DC 20460-0001

Please accept these comments concerning:

Reregistration Eligibility Decision (RED) for soil fumigant dockets:
Methyl Bromide Docket (EPA-HQ-OPP-2005-0123)

1,3-Dichloropropene Docket (EPA-HQ-OPP-2005-0124)

Metam Sodium/Potassium Docket (EPA-HQ-OPP-2005-0125)

Dazomet Docket (EPA-HQ-OPP-2005-0128)

Choloropicrin Docket (EPA-HQ-OPP-2007-0350)

Iodomethane Docket (EPA-HQ-OPP-2005-0252)

The Kentucky Division of Forestry is extremely concerned about the potential problems and the significant negative impacts that would result in the implementation of the new U.S. EPA regulations on soil fumigants. These new regulations will be damaging to operation and production at division's two state-owned tree seedling nurseries. Our primary concern is that the EPA's Registration Eligibility Decision (RED) for all of the various soil fumigants would create a devastating net effect on Kentucky's ability to continue production of bare-root tree seedlings needed to meet current demands to maintain and improve the overall health of the commonwealth's forests. The risk assessments from the EPA appear to be overly cautious and extremely conservative exposure assessments based on several air dispersion models, most notably the PERFUM Model that "may grossly over-predict potential risks to bystanders from field fumigation sites" thus generating unrealistic emission factors (e.g. EPA-HQ-OPP-2005-0123-044.1; EPA-HQ-OPP-2007-0350-0150.1).

The Division of Forestry's two seedling nurseries, the John P. Rhody Nursery and the Morgan County Nursery, produce approximately four million seedlings annually. The seedlings are used throughout the state to increase our forestland, restore wetlands, reclaim mine land, improve wildland habitat, provide recreational opportunities, and grow into timber for thousands of forest products that benefit Kentucky's citizens and our state's economy.

We have used methyl bromide for over 20 years to control a wide range of fungal diseases, nematodes, soil micro-organisms and weeds. It is the most cost efficient and effective means to control the disease and pest issues that we face in nursery production, and we have experienced minimal incidents and no complaints from any neighbors.

We believe these extreme safety measures go way beyond what can be justified and the cost to implement them are excessive.

KentuckyUnbridledSpirit.com

An Equal Opportunity Employer M/F/D

Office of Pesticide Programs Regulatory Public Docket Page Two September 15, 2008

Forced to operate under these regulations would curtail our ability to produce high quality, low cost seedlings. We would be forced to decrease acres in production because of the buffer zones and use less effective fumigants, requiring more applications at an increased cost. Other more expensive options would be for us to change our production model from a bare-root nursery to a containerized operation or build a new nursery operation in a location that did not require the buffer zones. Neither of these is acceptable during the economic downturn that Kentucky and the nation are facing.

As argued by the bare-root Mid-Atlantic Nurseries, we also believe that many of the outlined buffer zones are not practicable, nor do they seem to make sense. The EPA's proposed buffer zone for methyl bromide-chloropicrin mixture for tarped broadcast soil application at a rate of 350 lbs\acre for 20 acres is 1,115 feet, while the buffer zone for chloropicrin (which is arguably the second best alternative to methyl bromide) applied at a rate of 300 lbs\acre increases to 1,375 feet. This alternative would also result in the same net effect of the loss of methyl bromide-chloropicrin mixture, which would be a poor seedling survival rate and those that do survive, will be of poor quality.

The new buffer zone restrictions relating to detention centers and schools would force the Morgan County Nursery to close due to the proximity of a correctional facility, the Woodsbend Youth Development Center. The John P. Rhody Nursery would see loss of field production areas because of restrictions relating to buffer zones for railroads and roads. The loss of field area at the John P. Rhody Nursery and the closure of the Morgan County Nursery would effectively end Kentucky's tree seedling nursery program. We could not produce enough seedlings to meet current needs, and there would be no way to address any increased demand for the seedlings. If we cannot use the methyl bromide—chloropicrin mixture at the nurseries, then our production would initially decrease to around two million seedlings. This dramatic reduction would prevent us from earning enough revenue to fund the remaining nursery operation. Fewer seedlings for sale at a higher price will damage our ability and reputation as a provider of high quality, low cost seedlings. Eventually fungus and weeds would make it impossible for us to grow seedlings at the John P. Rhody Nursery, and it would close, too.

The initial estimates from commercial fumigation companies are that methyl bromide-chloropicrin mixture or Chloropicrin RED, as it is to be released, will more than likely cause an initial increase in cost of application by more than \$2,000.00 per acre. For example, we examined the acreage currently in production, which is approximately 22 acres, and the price we paid for last season's application, which was \$1,720.00 per acre, to come up with a total of \$37,840.00. Next we add in the anticipated additional cost of application, the cost per acre will be around \$3,720.00. With only half of the production area able to be fumigated that would roughly put our annual expenses for fumigating our nursery at \$40,920.00 for 11 acres, a projected increase of 46 percent.

A further example of increased burden to comply with the new proposals would be the implementation of monitoring warning zones. The EPA proposal requires either hourly Office of Pesticide Programs instrument monitoring or the notification of the public. It is estimated that this would result in an additional cost of \$4,000.00 to \$6,000.00 annually for the division's two nurseries.

Kentucky has the need for our seedlings. At this time an average of one million seedlings is used annually in strip mine reclamation and current permits will require over 26.5 million seedlings over the next ten years. Future demands for seedlings will include carbon sequestration, restoration of the American chestnut, energy demands and erosion control. We will not be able to meet the demand of the future needs. This projected reduction in production in short, is a death sentence to our nursery operations, a major setback to forest industries, and will produce numerous long reaching unintended ill effects to the environment.

Office of Pesticide Programs Regulatory Public Docket Page Three September 15, 2008

Over the years, we as well as numerous other private and state run nurseries have all worked hand in hand with the EPA in order to come up with practical, workable regulations that are aimed at protecting the environment, workers and bystanders, while still permitting the legal use of chemicals in order to provide crop protection. It seems clear that all of our hard work and honest efforts have only resulted in an increasing list of excessively restrictive regulatory hoops and hurdles that applicators, distributors, growers and nursery facilities must jump through and over to retain the use of various crop protection products. We are simply asking that there be further review of the newly released regulations. In this review we ask that real science tempered with a healthy dose of common sense be used to rethink the initial releases and evaluate the core issue, not some anticipated or perceived risk that may or may not be rooted in fact.

The result of this EPA decision, if allowed to go forward, would be the complete elimination of soil fumigation that has long proven to be one of the most valuable instruments to provide cost effective crop protection to bare-root seedling nurseries. If we diminish our ability to produce high quality hardwood and pine seedlings for our customers locally, then these seedlings will come from other sources that currently do not have the safety oversight that are core parts of agriculture in Kentucky and America.

We are not opposed to any factors or steps that would increase the safety or improve the protection of bystanders, handlers or workers from exposure to these compounds. Opposition to such improvements would be immoral, unethical and against the overall objective of improving our environment. We do, however, believe that the introduction of these new regulations and additional mitigation measures are needless, very costly, excessively restrictive and do not achieve their desired result of improving safety for citizens, neighbors or workers in any way.

We strongly urge the EPA to reconsider the consequences posed by the overly restrictive mitigation measures so that Kentucky's seedling nurseries can continue to grow healthy seedlings and contribute to the continued productivity of our forests.

Sincbrely.

Dianata

LWM:nhl



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY WASHINGTON, D.C. 20460

OCT 1 4 2008

OFFICE OF
PREVENTION, PESTICIDES AND
TOXIC SUBSTANCES

The Honorable Mitch McConnell United States Senate Washington, D.C. 20510

Dear Senator McConnell:

Thank you for your letter of September 11, 2008, on behalf of the Kentucky Division of Forestry, expressing their concern regarding the Environmental Protection Agency's (EPA's) recent regulatory decisions for several soil furnigant pesticides. I welcome the opportunity to update you on the current status of these decisions.

In July 2008, EPA announced its risk management decisions, including a suite of new safety measures for the soil furnigant pesticides chloropicrin, dazomet, metam sodium/potassium, and methyl bromide. Completion of these decisions is consistent with the statutory requirement that EPA re-evaluate all pesticides registered prior to 1984 by October 3, 2008. The risk mitigation measures for these pesticides are designed to work together to protect workers and bystanders from inadvertent exposure and adverse health effects that may result from the use of these chemicals. The furnigant Reregistration Eligibility Decisions (REDs) and related information are available on the Agency's Web page at http://www.epa.gov/pesticides/reregistration/soil_furnigants/,htm.

EPA developed the fumigant REDs over the past four years using an extensive public participation process that included numerous opportunities for public comment and consultation. Including the current comment period that is addressing risk mitigation implementation issues, the Agency has provided at least three comment periods (four for metam sodium) for the public to provide input on human health and ecological risk assessments and proposed risk mitigation measures for the soil fumigant pesticides. This extensive public review process comprises a timeframe of more than a year for public input (435 days for metam sodium and 375 days for each of the other fumigants). To obtain fuller, more detailed and meaningful input, the Agency has also hosted public meetings around the country and consulted with stakeholders representing a broad spectrum of interests including fumigant registrants, states and tribes, other federal agencies including USDA, researchers, growers, farm workers, and citizens. We appreciate the diverse input from these individuals and groups, which helped inform the risk mitigation measures included in the fumigant REDs.

At present, EPA is encouraging stakeholders who are interested in and affected by these decisions to carefully review the fumigant mitigation measures and provide additional productive input. A public comment period on implementation of risk mitigation measures in the soil fumigant REDs opened on July 16, 2008, and was extended through October 30, 2008. After considering all new information received during the comment period, the Agency will refine plans for implementation of the soil fumigant risk mitigation measures as needed.

During the current comment period, Agency staff are meeting with stakeholders in several key areas of the country to obtain feedback and constructive suggestions. We understand that some issues associated with the risk mitigation measures need to be further addressed and are looking at a range of implementation options, focusing on aspects of the decisions that present the most significant challenges. Through this ongoing process of obtaining constructive analysis and input, EPA believes that the new safety measures for these important pest control tools can be successfully and practically implemented by users and growers.

Thank you again for writing. We appreciate the information you provided and your interest in this issue. If you have further questions, please contact me or your staff may call Ms. Christina Moody in EPA's Office of Congressional and Intergovernmental Relations at (202) 564-0260.

Sincerely,

James B. Gulliford

Assistant Administrator

MITCH McCONNELL

361-A RUSSELL SENATE OFFICE BUILDING WASHINGTON, DC 20510-1702 (202) 224-2541 U 5 - OOI-4967 United States Senate

MAJORITY WHIP

COMMITTEES

AGRICULTURE

APPROPRIATIONS
SUBCOMMITTEE ON FOREIGN OPERATIONS

RULES AND ADMINISTRATION

September 26, 2005

The Honorable Stephen Johnson Administrator Environmental Protection Agency 1200 Pennsylvania Avenue, NW Washington, D.C. 20460-0001

Dear Administrator Johnson:

I am writing on behalf of a constituent who has contacted me regarding the Ohio River Valley Water Sanitation and water quality standards. I would appreciate your review and response to my constituent's concerns.

I have enclosed a copy of my constituent's correspondence, for your information. Please direct any inquiries and all relevant information to Pam Simpson in my Washington, D.C. office.

Thank you for your time and assistance. I will look forward to receiving your response.

Sincerely,

MITCH McCONNELL

UNITED STATES SENATOR

MM/PS

August 4, 2005

05 AUG 11 AMIL: 42

Senator Mitch McConnell 361A Russell Senate Office Building Washington DC 20510

Dear Senator,

I am a concerned Northern Ky citizen who is writing to you to ask for your help in keeping our waters safe for all of us to drink. The Ohio River Valley Water Sanitation Commission (also known as ORSANCO) has proposed lowering the water quality standards with respect to the level of pollution that is allowed to enter our waterways. The commission has control over the water standards from Pennsylvania to Illinois. Right now, many of our counties along the Ohio River and its tributaries are not consistently meeting the water pollution standards. We should be working towards meeting or exceeding those standards and not lowering them.

If the water quality standards are lowered, the amount of pollution that is allowed to be dumped into our waterways will triple. Not only will we have to deal with the effects of increased pollution in our waterways for generations to come but so will the wildlife. WE have the choice not to drink or swim in the water but the wildlife does not. The fish live in the water. Other animals such as deer, raccoons, ducks, geese, etc. drink the water and eat the fish. If the fish become poisoned by the water, not only will the fish disappear but so will all the other wildlife that depend on the fish. What happens to the fisherman and his family if they eat a poisoned fish caught in one of our many polluted waterways? Or the hunter that kills a deer to feed his family which drank from a polluted creek? Native Americans believe that whatever you do to even the smallest plant or insect will effect others in the web of life, like ripples in a lake. It was not the wildlife who polluted the waterways. It was us humans with our factories and sewage. IT is our responsibility as humans to clean up our mess. Studies have not shown how increasing the level of pollution will effect us and the wildlife twenty, thirty, forty, years down the line. The effects of pollution will be felt by generations and generations to come.

Another problem that ORSANCO is proposing to deal with is the combined sewer overflows (CSOs). These CSOs operate by combining sanitary wastewater from homes and businesses into the same pipes as rainwater collected off the streets. While these CSOs work well when it is dry by directing the water to the waste treatment plants. But during our heavy rainfalls that we often get in the Tri-state area, there is too much water for the water treatment plants to handle. The sewage is then poured out into the river and other waterways without being treated. By lowering the water pollution standards or suspending them during heavy rains, it would allow businesses and factories a "prime opportunity" to dump their waste directly into our waterways without facing the penalties of the law. Can you imagine what would happen to our water if every business from PA to IL dumped their excess waste without being treated during rainy days? It would not be safe to swim in, much less drink.

Right now, our water treatment plants put so many chemicals into the water to try and make it safe for us to drink. If more pollution is allowed to enter our drinking water, the municipalities would have to put in even more chemicals so it would be somewhat safe to drink. Studies have not shown the effects of these high level of chemicals, such as chlorine, in people who have drank them for 20, 30, 40+ years.

Also, ORSANCO claims that fixing these problems would cost so much money that it is not worth trying to fix the water situation. How can you put a cost on keeping everyone safe by keeping the drinking water clean? But other major cities like Atlanta, GA and Portland, OR just to name a few have found ways to correct the CSOs and their water pollution problems.

Being that is an issue that concerns all of us, why is that ORSANCO has not given the public the chance to stand up and be heard? Public meetings that were held were not at times when the majority of working citizens, such as myself, could attend like 5:00 pm. The public meetings were not very well publicized and therefore not very well attended. They were only giving people a very short time to address these issues (three weeks) before they decide on the new guidelines. I say bring this issue to the public and let them decide by votes. I am sure most people would not object to paying a few more cents on their taxes or their water bills if they get cleaner drinking water for their families, generations to come.

I urge you as a member of our state government to put the pressure on the other stategoverments and ORSANCO to help keep our drinking water safe. You can contact ORSANCO directly at 5735 Kellogg Ave, Cincinnati OH 45228-1112. Other info is available online at orsanco.org, portlandonline.com/cso, cleanwateratlanta.org, rougeriver.com/cso. I also have information that I can send to you if you are interested.

Thank you for your time and consideration in this matter.

Sincerely,



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY REGION 5 77 WEST JACKSON BOULEVARD CHICAGO, IL 60604-3590

OCT 18 2005

REPLY TO THE ATTENTION OF:

R-19J

Honorable Mitch McConnell United States Senate Washington, DC 20510-1702

Dear Senator McConnell:

Exple Thank you for your letter regarding a correspondence your office received from Ms pertaining to possible wet weather water quality standards being considered by the Ohio River Valley Water Sanitation Commission (ORSANCO). In her letter, your constituent raises a number of concerns about possible changes to ORSANCO pollution control standards. Ms. Carlotta's concerns are that the amount of pollution discharged to the Ohio River will increase if the standards are changed, that the changed standards will allow industrial discharges to release wastes without penalty under cover of new wet weather standards and that public water supply uses of the Ohio River would be adversely impacted.

ORSANCO is in the beginning stages of gathering information to determine whether or not changes to its pollution control standards for bacteria for the protection of recreation in and on the Ohio River are warranted. ORSANCO is considering three options:

- retaining the existing standards for the protection of human health from exposure to pathogens from recreation in and on the Ohio River,
- revise the standards to allow for a temporary suspension of the bacteria standards after rain events or during periods of high flow when recreation in the Ohio River cannot occur safely; or,
- adoption of alternate numeric bacteria standards.

ORSANCO identified the following principles to guide its review of its pollution control standards to protect recreation:

- providing the public with clear information on pollution from wet weather and involving the public in assessing the cost of reducing pollution levels versus the risk to human health:
- any solution needs to be consistent with national policy and guidance;
- all sources of pathogens to the Ohio River should be required to provide a reasonable level of control of bacteria;
- standards to protect recreation should be attained in the river at all times when the river is used for recreation;

08:24am

- standards to protect the use of the river as a public water supply should be met at all times
 in the river; and,
- a reasonable target for the protection of public health should be established for the control
 of wet weather sources of pollution.

The process and principles being followed by ORSANCO in reviewing the pollution control standards for the Ohio River should prevent the potential problems that Ms. raised in her letter. The standards changes are being considered because the existing standards are not being attained under wet weather conditions. The purpose of the review is to establish appropriate pollution control targets that will in turn determine the controls put in place by dischargers to improve water quality. In addition, since the only standard being considered for revision is the standard for bacteria for the protection of human health from exposure to pathogens through recreation in and on the river, criteria and permit limits for other pollutants will not be affected. Finally, as the statement of guiding principles makes clear, any proposed revisions will not change standards applied to protect public water supply uses.

Should ORSANCO's review actually lead to revised water quality standards for the Ohio River that were adopted by its member States, those revisions would be subject to review and approval by the United States Environmental Protection Agency (USEPA). To be approved by USEPA, any revisions would need to meet all of the requirements of the Clean Water Act and Federal regulations. Among these are requirements that any new and revised criteria protect all existing and designated uses. Any changes to the recreational designated use or applicable criteria will have to be supported by an appropriate demonstration that meets federal regulations. USEPA's review and approval will help to ensure that the concerns raised by Ms.

Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Mary Canavan or Phil Hoffman, the Region 5 Congressional Liaisons.

Very truly yours,

Thomas V. Skinner Regional Administrator MITCH McCONNELL

361-A RUSSELL SENATE OFFICE BUILDING WASHINGTON, DC 20510-1702 (202) 224-2541

US-001-4054 United States Senate

MAJORITY WHIP COMMITTEES

AGRICULTURE

APPROPRIATIONS SUBCOMMITTEE ON FOREIGN OPERATIONS

RULES AND ADMINISTRATION

October 27, 2005

The Honorable Stephen Johnson Administrator Environmental Protection Agency 1200 Pennsylvania Avenue, NW Washington, D.C. 20460-0001

Dear Administrator Johnson:

I am writing on behalf of Mayor Danny Tate of Muldraugh, Kentucky. Mayor Tate has contacted me regarding the EPA's mandate for Muldraugh to comply with the Phase II Small MS4 Program. I would appreciate your review and response to my constituent's concerns.

I have enclosed a copy of my constituent's correspondence, for your information. Please direct any inquiries and all relevant information to Pam Simpson in my Washington, D.C. office.

Thank you for your time and assistance. I will look forward to receiving your response.

Sincerely,

MITCH McCONNELL

UNITED STATES SENATOR

MM/PS

City of Muldraugh

120 South Main Street P.O. Box 395 Muldraugh, Kentucky 40155-0395 Phone: 502-942-2824
Fax: 6502-942-2802: 44

October 12, 2005

Senator Mitch McConnell 316 A Russell Senate Office Building Washington, DC 20510

Dear Senator McConnell:

The Environmental Protection Agency has designated the City of Muldraugh to comply with the Phase II Small MS4 Program. This unfunded mandate has put a financial strain on our City.

As you probably know, Senator McConnell, Muldraugh is a fifth class city in Meade County, Kentucky that is completely surrounded by Fort Knox. Our population, according to the 2000 census, is 1303. Because of our location and the fact that Muldraugh is landlocked by Fort Knox, excess storm water from the reservation drains into our streams and ditches. The other major source of excess storm water runs from Highway 31 W, which runs through Muldraugh. It seems unfair to me that the federal and state government is holding our small City responsible for excess storm water that stems from a source that is not our own.

I would like to take this opportunity to ask for your help in securing a waiver from this unfair, unfunded mandate. The City of Muldraugh does not have the funds to hire an engineer and or develop a separate storm sewer system. Any help you can give our city in securing a waiver is gratefully appreciated.

Respectfully Yours,

Dayiny Tate Mayor

DT/cjc





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4
"ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

NOV 8 0 2005

The Honorable Mitch McConnell United States Senate Washington, DC 20510-1702

Dear Senator McConnell:

Thank you for your November 2, 2005, letter to Charles Ingebretsen on behalf of Mayor Danny Tate, City of Muldraugh, concerning the City's status with respect to the National Pollutant Discharge Elimination System (NPDES) Phase II storm water regulations. Your letter was forwarded to me for response.

As I am sure you are aware, the Environmental Protection Agency (EPA) is responsible for implementation of the federal Clean Water Act (CWA). However, as in most states, the Commonwealth of Kentucky sought and EPA granted the delegation of day-to-day implementation of NPDES program responsibilities to the Kentucky Division of Water (KDOW). Therefore, KDOW is responsible for making decisions regarding this matter.

Federal regulations subject small municipal separate storm sewer systems (MS4s) to NPDES permitting requirements. KDOW may adopt additional criteria for MS4s. KDOW may also waive the requirements or criteria in certain circumstances as specified in federal regulations. EPA Region 4 staff has been in communication with the KDOW. We understand that it is KDOW's current policy not to issue any waivers from these requirements. Your staff may wish to contact Mr. Jory Becker, Kentucky NPDES Program Manager, at (502) 564-3410 to discuss this matter further.

If you have questions or need additional information, please contact me or the EPA Region 4 Office of Intergovernmental Relations at (404) 562-8327.

Sincerely,

J. I. Palmer, Jr.

Regional Administrator

cc: Mr. Lloyd Cress, Commissioner
Department for Environmental Protection

Mr. Jory Becker, KDOW

MITCH MCCONNELL

361-A RUSSELL SENATE OFFICE BUILDING WASHINGTON, DC 20510-1702 (202) 224-2541

United States Senate

04-000-8924ma **AGRICULTURE**

APPROPRIATIONS SUBCOMMITTEE ON FOREIGN OPERATIONS

RULES AND ADMINISTRATION

May 22, 2006

The Honorable Stephen Johnson Administrator **Environmental Protection Agency** 1200 Pennsylvania Avenue, NW Washington, D.C. 20460-0001

Dear Administrator Johnson:

I am writing on behalf of a constituent who has contacted me regarding toxic materials left behind from Hurricanes Katrina and Rita. I would appreciate your review and response to my constituent's concerns.

I have enclosed a copy of my constituent's correspondence, for your information. Please direct any inquiries and all relevant information to Pam Simpson in my Washington, D.C. office.

Thank you for your time and assistance. I will look forward to receiving your response.

Sincerely,

MITCH McCONNELL

UNITED STATES SENATOR

MM/PS

Senator Mitch McConnell U.S. Senate 361-A Russell Senate Office Building Washington, DC 20510-0001

Dear Senator McConnell.

Hurricanes Katrina and Rita left a glut of toxic materials and solid waste in many areas of New Orleans and the Gulf Coast. Yet the government is urging that people return to their homes while the EPA has NOT addressed the problem of dangerous contaminants such as lead, arsenic, and other toxic cancer-causing organic compounds.

I urge you to exercise the power entrusted in you by your constituents to fulfil a the sacred trust by our Creator - to be responsible and wise stewards of this earth as well as our brother and sisters' keepers. To that end, I ask that Congress insist that the EPA:

- 1.) Initiate quick and decisive action to remove toxic contamination from the streets and yards of the city of New Orleans;
- 2.) Fully inform people of the environmental health threats, as well as provide detailed information and equipment so that people can protect themselves and their families from these threats; and
- 3.) Assist FEMA, other federal, state, and local agencies, and planners to ensure full public participation in rebuilding and that rebuilding proceeds in an environmentally safe way that demonstrates justice for all people and the land.

As one of faith and conscience, I am urging you to take leadership to act behalf of the voiceless, be a champion for the rights of the powerless, and an ardent guardian of all of God's creation. With each day that passes and the clean-up process continues to languish we are all complicit in allowing human health risks that are simply unacceptable.

Sincerely,

Exple



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY WASHINGTON, D.C. 20460

JUL 0 5 2006

The Honorable Mitch McConnell United States Senate Attn: Pam Simpson 361-A Russell Senate Office Building Washington, DC 20510-1702 OFFICE OF SOLID WASTE AND EMERGENCY RESPONSE

Dear Senator McConnell:

Thank you for your May 22, 2006, letter to Administrator Stephen Johnson regarding the Environmental Protection Agency's (EPA) efforts to assess potential environmental hazards in the greater New Orleans area. Administrator Johnson has requested that I respond to your letter.

Since Hurricanes Katrina and Rita struck the Gulf Coast, EPA and its federal and state partners have responded in a non-stop, tireless, effort to help ensure the recovery of Louisiana. In the past several months, EPA has proudly served in unified command with the United States Coast Guard (USCG) and the Louisiana Department of Environmental Quality (LDEQ) to address environmental hazards under the National Response Plan. To date, these accomplishments include:

- EPA rescued over 800 stranded residents and provided food to over 400 other residents who chose to stay in their homes after the flooding.
- EPA responded to approximately 70 emergency situations to address chemical spills, fires, and other emergencies causing an immediate public threat.
- EPA collected, processed, and disposed of over 3,100,000 household hazardous waste containers.
- EPA collected over 6,750 tons of hazardous and non-hazardous waste.
- EPA collected and extracted freon from over 350,000 white goods (refrigerators, freezers, and air conditioners).
- EPA collected and recycled over 470,000 electronic goods to save important landfill space and ensure the reuse of metal components.
- EPA assessed approximately 900 public and parochial school chemistry classrooms and removed chemicals and other equipment from 130 chemistry laboratory classrooms to ensure safe schools for returning students.
- EPA assessed approximately 700 public water systems and 1,000 wastewater systems to determine their viability after the storms and provide assistance where requested.
- EPA inspected over 3,500 potable water trucks to ensure drinkable water was delivered promptly to areas affected by the hurricane.

- EPA assessed approximately 1,300 underground storage tank locations and over 1,600 chemical facilities and refineries.
- EPA assessed the stability of 250 facilities known to contain radiation sources.

Since Hurricane Katrina struck the Gulf Coast on August 29, 2005, EPA and other federal agencies have worked closely with state and local authorities to assess the quality of the environment in the areas affected by the hurricane. EPA's Hurricane Katrina webpage contains the results of extensive sampling of the floodwater, air, sediment, and area surface water bodies (e.g., Lake Pontchartrain) in Louisiana. These results can be searched by zip code, parish or facility name.

From early September through mid-November 2005, EPA collected sediment samples throughout New Orleans and the surrounding areas affected by the flooding. On December 6, 2005, EPA, the Louisiana Department of Environmental Quality (LDEQ), the Centers for Disease Control (CDC), the Agency for Toxic Substances and Disease Registry (ATSDR), the Louisiana Department of Health and Hospitals (LDHH), and the Federal Emergency Management Agency (FEMA) released a summary of the analytical results from these samples entitled "Environmental Assessment Summary for Areas of Jefferson, Orleans, St Bernard, and Plaquemines Parishes Flooded as a result of Hurricane Katrina." The complete summary and the analytical results from these samples are available on EPA's Hurricane Katrina webpage at: http://www.epa.gov/katrina/testresults/index.html.

The agencies also noted that elevated concentrations of arsenic, lead, and benzo(a)pyrene were found in 43 localized areas. In February 2006, EPA and LDEQ collected samples of the sediment and soil in these areas to determine whether or not the original sample results were isolated to the specific location or representative of a larger area. The results of the February 2006 sampling effort are summarized in the document "Summary Assessment of the Results of Sampling of Localized Areas Identified for Focused Investigations Following Hurricane Katrina." This document and the analytical results for the samples collected in February are available on EPA's Hurricane Katrina webpage at: http://www.epa.gov/katrina/testresults/index.html.

EPA has also worked in partnership with other Agencies on issues beyond our regulatory jurisdiction such as mold. CDC has provided critical information and technical expertise to the impacted areas on how to protect the health of the population and how to best remediate mold infested buildings. This effort has resulted in a multiagency (federal and state) mold fact sheet which provides practical advice to people who are remediating their properties. CDC's mold fact sheet has been widely distributed in the hurricane impacted areas. A copy of this fact sheet, as well as other important mold resources, is available from the CDC website: http://www.bt.cdc.gov/disasters/mold.

In closing, I can assure you that EPA is working closely with our federal, state and local partners to coordinate and implement the appropriate next steps to ensure protection of human health and the environment in all affected neighborhoods of the Gulf Coast. If

you have further questions or concerns, please contact me or your staff may contact Carolyn Levine at 202-564-1859 in the Office of Congressional and Intergovernmental Relations.

Sincerely,

Susan Parker Bodine
Assistant Administrator

MITCH McCONNELL KENTUCKY

381-A RUSSELL SENATE OFFICE BUILDING WASHINGTON, DC 20510-1702 (202) 224-2541

06-000-995

MAJORITY WHIP COMMITTEES

AGRICULTURE

APPROPRIATIONS SUBCOMMITTEE ON FOREIGN OPERATIONS

RULES AND ADMINISTRATION

June 12, 2006

The Honorable Stephen Johnson Administrator Environmental Protection Agency 1200 Pennsylvania Avenue, NW Washington, D.C. 20460-0001

Dear Administrator Johnson:

I am writing on behalf of a constituent who has contacted me regarding the National Ambient Air Quality Standards of the Clean Air Act and dust from natural agriculture activities. I would appreciate your review and response to my constituent's questions and concerns.

United States Senate

I have enclosed a copy of my constituent's correspondence, for your information. Please direct any inquiries and all relevant information to Pamela Simpson in my Washington, D.C. office.

Thank you for your time and assistance. I will look forward to receiving your response.

Sincerely.

MITCH McCONNELL

UNITED STATES SENATOR

Miland

MM/PS

May 26, 2006

The Honorable Mitch McConnell United States Senate 361A Russell Senate Office Building Washington, DC 20510-1702

Dear Senator McConnell:

The Environmental Protection Agency (EPA) is currently considering regulating agriculture dust under the National Ambient Air Quality Standards of the Clean Air Act. If this happens, dust produced by tilling soil, planting and harvesting crops, driving on dirt roads, cattle romping in feedlots, spreading of nutrients on fields, outdoor storage of bulk materials and feed mixing is among the dust that could be regulated by the end of this year. As a cattle producer from your state, I urge you to help prevent this overregulation!

Regulation of this dust is supposed to be based on a scientific showing of substantial adverse health effects caused by dust. This issue has been studied for more than 30 years, and there is no evidence that agriculture dust causes adverse health effects at ambient levels. Nevertheless, the EPA may decide to regulate agriculture dust anyway.

I do not understand what the purpose of this regulation would be. It would impose huge costs on agriculture and provide little or no public health benefit.

This outcome would be unfair to my family and me. We have spent our lives working hard to build an economically viable operation, and this regulation could put us out of business. I think my familys operation is an important contributor to the economy of our state and this country, and I simply cannot understand why our federal government would consider shutting us down for no reason.

I also understand that EPA is proposing to regulate urban dust based on health data that is weak, uncertain, limited and not even adequate to support a health risk assessment, since the data did not fulfill the minimum requirements for such assessments. This data clearly does not provide the adequate basis that Congress intended for regulation of dust in urban or rural areas.

I urge you to contact EPA, and tell them not to regulate urban or rural dust under the National Ambient Air Quality Standards of the Clean Air Act unless and until the science shows that this dust causes substantial adverse health effects at ambient levels.

Attached below, please find a brief background describing the issue in more detail. In addition a letter was sent from U.S. Department of Agriculture Secretary Michael Johanns to Environmental Protection Agency

Administrator Steve Johnson in July 2005 agreeing with the position that current health studies do not indicate a need to regulate dust at this time. Please contact USDA to get a copy of this letter.

Thank you for your consideration of this request.

Overview of Coarse Particulate Matter Regulation and Agriculture

I. Introduction

On January 17, 2006, the Environmental Protection Agency (EPA) issued a proposed rule to revise the National Ambient Air Quality Standards (NAAQS) of the Clean Air Act. The NAAQS is a health-based standard. In other words, Congress determined that in order to regulate a pollutant under the NAAQS, health studies must show that the pollutant causes adverse health effects. Conversely, if scientific health studies do not show that a pollutant cases adverse health effects, it is not supposed to be regulated under the NAAQS.

The EPA proposal asks for comments on the merits of regulating coarse particulate matter (i.e. dust or coarse PM). Examples of agriculture dust that would be regulated under a coarse PM NAAQS is dust produced by tilling soil, cattle romping in feedlots, planting crops, harvesting crops, driving on dirt roads, spreading of nutrients on fields, outdoor storage of bulk materials, feed mixing, among others. NCBA does not believe current scientific health studies provide a basis for regulation of coarse PM in rural or urban areas under the NAAQS.

II. Agriculture and Dust

Americas farmers, ranchers and livestock producers work hard every day to provide much of the nations supply of food. They are proud of their tradition as stewards and conservators of Americas land, and good neighbors to their communities. They support dust control measures, which range from soil conservation to fugitive dust control plans, and carry out those measures every day of every year in supplying America with the food it needs. Agriculture producers do not seek to roll back dust controls. Indeed, they seek to maintain and improve them, and make them more effective. Technology-based, reasonable and feasible fugitive dust control measures have been in the past, and must continue to be in the future, the basis for controlling fugitive coarse PM from agriculture operations.

The amounts of fugitive dust remaining after using Best Management Practices from farm, ranch and livestock operations has never been demonstrated to have adverse impacts on health at ambient levels. It is for this reason that, over the last more than 30 years, the EPA has excluded these dusts in making determinations of ambient compliance. The proposed rules exclusion of coarse PM from agriculture from the coarse PM NAAQS continues this historic, scientifically-based, policy and practice. This proposed exclusion is threatened, however, by interest groups that believe agriculture dust should be regulated. There is also concern in the agriculture community about whether such an exclusion could be implemented in a way that would truly exclude all agriculture dust.

III. EPAs and the Clean Air Scientific Advisory Committees (CASACs)
Current Controversial Review of the Vacated Coarse PM10 NAAQS

CASACs review of the coarse PM standard over the last three years has been marked by controversy, abrupt and unexplained changes of position, last-minute changes in possible theoretical bases for such a standard, and an unprecedented failure by CASAC even to review EPAs Final Staff Paper and reach Closure on its scientific basis for the coarse PM standard before that document and its recommendations to the EPA Administrator were finalized and released. CASAC reviewed that scientific basis only after that document had become final.

After several years of review and deliberation, several members of CASAC, including its then Chair and its leading health scientists, had expressed the view that EPAs Criteria Document and drafts of its Staff Paper did not provide an adequate basis for a coarse PM standard. Indeed, CASACs May 11, 2005 draft letter to the Administrator stated that the setting of this [coarse PM] standard be set aside until further deliberations on the appropriate metric can be made.

At its April 2005 meeting, CASAC had suggested a potential new rationale for a coarse PM Standard that EPA might substitute for its past, unsuccessful efforts to provide a basis for a coarse PM standard. This new concept was based not on the health effects of coarse PM, but its possible contamination by toxic urban contaminants that might be absorbed and carried by coarse PM in urban areas. EPA was urged to substitute this new concept for the years of work that had gone into the Criteria Document and two drafts of its Staff Paper that CASAC had found wanting. After a teleconference on May 18, 2005 regarding its May 11 draft letter, CASAC wrote a final letter to the EPA Administrator stating that although the evidence for a standard for coarse-mode particles was weaker than for the PM2.5, the Panel agreed that a 24-hour NAAQS for PM10-2.5 was appropriate, especially in urban areas, with caveats to make exceptions for those types of rural dusts thought to have low toxicity.

IV. EPAs Final Staff Paper

EPA issued its final Staff Paper on PM NAAQS revision at the end of June 2005. It recommended an urban coarse PM standard. Significantly, the Staff Paper noted that the studies and data on which it based its urban proposal were weak, uncertain, limited, and not even adequate to support a health risk assessment, since they did not fulfill the minimum requirements for such assessments. That remains the case. EPA also stated that a coarse PM standard might be based on providing protection somehow equivalent to the 1987 24-hour PM10 standard, whose concentration term was based on fine PM, not coarse PM. That approach is plainly unsound legally, practically and scientifically.

V. EPAs Proposed Revisions to the PM NAAQS

On January 17, 2006, EPA published its proposed revisions for the PM NAAQS. The coarse PM standard it proposed is a 24-hour PM10-2.5 standard qualified so as to include any ambient mix of PM10-2.5 that is dominated by resuspended dust from high-density traffic on paved roads and PM generated by industrial sources and construction sources. The indicator for this standard excludes any ambient mix of PM10-2.5 that is dominated

by rural windblown dust and soils and PM generated by agricultural and mining sources. In addition, it states that [a]gricultural sources, mining sources, and other similar sources of crustal material shall not be subject to control in meeting this standard. The concentration term of the proposed coarse PM standard is 70 g/m3. That level, EPA says, is intended to provide a generally equivalent level of protection to the 1987 PM10 standard.

VI. EPAs Proposal of an Urban-Type Coarse PM Indicator and PM NAAQS Is not Based on Sound Science and Should not Be Adopted

The new concept for development of a coarse PM standard based on its potential role in urban areas is a novel one, first put forward in April of 2005.

In presenting its proposed 24-hour coarse PM10-2.5 standard, EPA places primary reliance on four studies that it claims provide the support necessary for demonstrating the necessity of controlling coarse PM to a concentration of 70 g/m3. It states that these studies show significant associations of coarse PM10-2.5 with mortality and morbidity at this concentration. The severe problems that militate against any reliance on these four studies are not discussed in EPAs discussion of them as its basis for the proposed coarse PM standard. However, in a later discussion of a possible alternative interpretation of the health evidence, EPA does acknowledge the fatal flaws in the four studies. The discussion makes it clear that the rationale for the proposed coarse PM standard is not at all supported by the four studies.

In addition, in an egregious failure to guard against the appearance of any unfair and unsound scientific weighing of the evidence on coarse PM, the EPA failed to consider and weigh the far larger number of studies with much larger and more powerful databases and longer duration that specifically considered PM10-2.5, but did not find statistically significant associations. (Schwartz 1996), (Thurston 1994), (Sheppard 2003), (Fairley 2003), (Schwartz 1996), and (Lipfert 2000).

Last year, Dr. Jonathan Borak of Yale University School of Medicine, with expertise in toxicology, epidemiology and occupational health exposure to pollutants, reviewed the science in the Criteria Document and Staff Paper and found a general lack of scientific support for a proposed NAAQS for PM10-2.5.

VII. EPA Acknowledgement of Uncertainties

The proposed rule, in an acknowledgement of the uncertainties associated with the scientific data, solicits comments on not adopting a thoracic coarse particle standard at this time, and taking into account any new relevant research that becomes available as a basis for considering a more targeted standard for thoracic coarse particles in the next periodic review of the PM NAAQS. This is the correct ultimate outcome.

VIII. Conclusion

For all of the reasons discussed above, NCBA submits that there is not a sound or adequate basis for the adoption of a coarse PM standard in rural or urban areas at this time. It supports the alternative of not adopting

a coarse PM standard for ambient exposure. NCBAs members will continue their efforts to control dust and will continue to support the improvement of those practices.

Sincerely,

42000



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

JUL 1 8 2006

OFFICE OF AIR AND RADIATION

The Honorable Mitch McConnell United States Senate Washington, D.C. 20510

Dear Senator McConnell:

Thank you for your letter of June 12, 2006, to Administrator Johnson, on behalf of your constituent, Mr. Sko. (e) who has expressed concerns regarding the Environmental Protection Agency's (EPA's) proposed new national ambient air quality standards (NAAQS) for coarse particulate matter (PM). I am happy to receive Mr. comments. EPA will carefully consider his comments, along with the comments of other members of the public, in making a final decision on the PM NAAQS, and will respond to the comments in the course of explaining that decision.

In his letter, Mr. 'references EPA's December 20, 2005, proposed decision regarding revisions to the PM NAAQS (71 FR 2620-2708). This proposed decision would affect the NAAQS for both fine particles and coarse particles. Mr. comments focus exclusively on the proposed changes to the standards for coarse particles. In particular, he is concerned that EPA's proposed coarse particle standard will lead to the regulation of coarse particles from agricultural activities such as tilling soil, planting and harvesting crops, driving on dirt roads, cattle romping in feedlots, spreading of nutrients on fields, outdoor storage of bulk materials and feed mixing. He states that there is currently insufficient scientific evidence to support regulation of coarse particulate matter in either rural or urban areas.

As you may know, EPA currently has in place air quality standards for particles with an aerodynamic diameter of 10 micrometers or less (PM₁₀), and separate air quality standards for fine particles (particles with an aerodynamic diameter less than 2.5 micrometers, called PM_{2.5}). To date, EPA has not had a separate standard to regulate only particles in the "coarse fraction" – i.e., particles between 10 and 2.5 micrometers in diameter (PM_{10.2.5}). In the December 2005 proposal, EPA proposed to replace the existing PM₁₀ standards with a new 24-hour standard specifically for PM_{10.2.5}. This standard would be set at a level of 70 µg/m³, and would regulate any ambient mix of PM that is dominated by resuspended dust from paved roads, and particles generated by industrial and construction sources. The proposed indicator would exclude any ambient mix of PM_{10-2.5} that is dominated by rural windblown dust and soils and PM generated by agricultural and mining sources. Furthermore, the proposal states that "agricultural sources, mining sources, and other similar sources of crustal material shall not be subject to control in meeting this standard."

The 90-day public comment period for this proposal opened with the publication of the proposal in the *Federal Register* on January 17, 2006, and closed on April 17, 2006. Mr.

has requested that you contact EPA and urge the Agency not to regulate urban and rural dust "unless and until the science shows that this dust causes substantial adverse health effects at ambient levels." I will be happy to forward his comments and recommendations to the docket for this rulemaking (Docket ID No. EPA-HQ-OAR-2001-0017), along with any other comments you receive pertaining to this proposal. EPA will take these comments into consideration as we move forward in our decision-making process. EPA will issue a final rule on the PM standards by September 27, 2006, and will respond to the public comments either in the preamble to the final rule or in a Response to Comments document accompanying the final rule.

Mr. also references a July 2005 letter from the U.S. Department of Agriculture Secretary Michael Johanns to EPA Administrator Stephen L. Johnson. I have enclosed a copy of this letter and the Administrator's response, which was issued on August 1, 2005.

Again, thank you for your letter. If you have further questions, please contact me, or your staff can contact Diann Frantz, in EPA's Office of Congressional and Intergovernmental Relations, at (202) 564-3668.

Sincerely,

William L. Wehrum

Acting Assistant Administrator

Enclosures



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY WASHINGTON, D.C. 20460

August 1, 2005

THE ADMINISTRATOR

The Honorable Mike Johanns
United States Department of Agriculture
1400 Independence Avenue, SW
Washington, Q.C. 20250

Dear Secretary Manns:

Thank you for your letter of July 7, 2005, regarding the implications for agriculture of the Environmental Protection Agency's (EPA's) Staff Paper on Particulate Matter (PM). As you may know, EPA staff has been meeting regularly with your staff to discuss issues of interest to both agencies. EPA discussed the PM Staff Paper with USDA at the June Task Force meeting, and we plan a more detailed discussion during the September USDA EPA Bi-Monthly Meeting. We understand the importance of this issue to the agriculture community and we are committed to making the best decision based on sound science.

As part of the review of the National Ambient Air Quality Standards (NAAQS) for PM, the Agency is considering the appropriate level and form of standards for both fine particulate matter (PM_{2.5}) and thoracic coarse particles (PM_{10-2.5}). The Clean Air Act requires the Agency to solicit advice and recommendations from the Clean Air Scientific Advisory Committee (CASAC) and the public on EPA documents that evaluate the body of relevant scientific evidence. In the enclosed letter, the CASAC PM Review Panel recommended a 24-hour NAAQS for PM_{10-2.5}. Agency staff have taken this advice into account in the revised discussion and recommendations included in the final PM Staff Paper released on June 30, 2005.

I expect to receive further advice and recommendations from the CASAC Panel during a public teleconference meeting of the Panel scheduled for August 11, 2005. In addition, EPA is developing related rules, including rules on Federal Reference Method samplers, Federal Equivalent Methods, and monitoring network requirements. EPA welcomes comments by the USDA during the rule development process. In accordance with the consent decree that governs the schedule for this review, EPA is required to issue its proposed decisions on the PM NAAQS by December 20, 2005; we intend to issue the related proposed rules at that time as well.

Again, thank you for your letter. I appreciate the opportunity to be of service and hope the information provided is helpful to you.

Sinc

Stephen L. Johnson

Enclosure

Internet Address (URL) • http://www.eps.gov
Recycled/Recyclable • Printed with Vegetable OI Based inks on Recycled Paper (Minimum 30% Postconsumer)



United States Department of Agriculture

Office of the Secretary Washington, D.C. 20250

JUL - 7 2005

The Honorable Stephen L. Johnson Administrator Environmental Protection Agency 1200 Pennsylvania Avenue, N.W. Washington, D.C. 20520



Dear Mr. Johnson:

Agriculture is committed to protecting the health of all families, workers, and communities by complying with standards that are appropriate and necessary. However, issues addressed in the Environmental Protection Agency's (EPA) second draft Staff Paper on Particulate Matter have serious implications for agriculture. The Department of Agriculture is concerned that a coarse Particulate Matter standard might be issued in the absence of sound science and will result in ineffective, unfair, and unnecessary controls.

At my request, the Agricultural Air Quality Task Force (AAQTF) has carefully reviewed the relevant EPA documents and strongly recommends that the proposed PM_{10-2.5} standard not be promulgated unless and until sufficient research findings justify a standard. In addition, the AAQTF recommends that EPA address the sampler bias issues associated with ambient concentration measurements using Federal Reference Method samplers and that National Ambient Air Quality Standards should not be used as a "concentration not to be exceeded" at the property line for permitting and enforcement of PM emissions from agricultural sources. I fully support the recommendations of the AAQTF. The recommendations and supporting details are outlined in the enclosed document.

Again, let me reiterate that agriculture is committed to protecting the health of all families, workers, and communities by complying with standards that are appropriate and necessary. However, the standards must be based on sound science in order to be effective and fair. Should you wish further information on these recommendations, please do not hesitate to contact me.

Sincerely.

Mike Johanns Secretary

Enclosure

Implications for Agriculture of the Proposed Revisions to the National Ambient Air Quality Standards for Coarse Particulate

USDA Agricultural Air Quality Task Force Panel on Coarse Particulate

Section 109 of the Clean Air Act requires the Environmental Protection Agency to establish National Ambient Air Quality Standards (NAAQS) and to review them, and revise them, as appropriate, every 5 years. Primary NAAQS must be set at the level that is "requisite to protect the public health," allowing an adequate margin of safety; secondary NAAQS must be set at the level "requisite to protect the public welfare from only known or anticipated adverse effects associated with the presence of (a listed) air pollutant in the ambient air." According to the U.S. Supreme Court in the Clean Air Act, "requisite" means a level that is "not lower or higher than necessary."

In 2004, EPA staff prepared a Particulate Matter (PM) staff paper (SP) that proposed changes to the NAAQS for PM_{2.5} and recommended a new coarse PM standard with the indicator being PM_{10-2.5}. A Second Draft PM SP was made available for review on January 31, 2005. This SP was reviewed (April 6-7, 2005 & May 18, 2005) by the Clean Air Scientific Advisory Committee (CASAC) and has received substantial comment from stakeholder groups including mining, construction, and agriculture. Promulgation of a new PM_{10-2.5} standard (coarse PM) will have significant, far-reaching implications for both animal and production agriculture because, "...the SP, in its present form, does not represent a balanced and scientifically adequate synthesis and interpretation of the scientific evidence." (Dr. Roger O. McClellan, Member of CASAC, April 23, 2005 revised comments on SP, p. B-51)

We concur with the EPA SP that the substantial uncertainties associated with the limited body of evidence on health effects related to exposure to PM_{10-2.5} suggests a high degree of caution in interpreting the evidence at the lower levels of air quality observed in the studies discussed in the SP (SP p. 5-59, line 20). Moreover, there is a high degree of uncertainty, based on the available studies, that there would be any public health benefit from the promulgation of a coarse PM standard (SP p. 5-75, line 12). "In addition, little is known about coarse particle composition, and less about the health effects associated with individual components or sources of thoracic coarse particles, but it is possible that there are components of thoracic coarse particles (e.g., crustal material) that are less likely to have adverse effects, at least at lower concentrations, than other components." (SP p. 5-76, line 22)

The EPA staff intends to finalize the SP by June 30, 2005. The EPA Administrator is required by court order to have signed a proposal with EPA's decisions on PM NAAQS by December 20, 2005. To meet these deadlines, a draft proposal would be sent to OMB by early September. It is critical that agriculture's concerns be addressed in this pending action by EPA. Because of the uncertainty of the science to support a new PM_{10-2.5} standard and the potential serious consequences to agriculture, a panel of the USDA Agricultural Air Quality Task Force were assembled May 26-27, 2005 to recommend a response by Secretary Mike Johanns to EPA Administrator Stephen L. Johnson.

Page 2 Coarse PM Implications

EPA staff has recently recommended a 65-85 μg/m³ NAAQS for PM_{10-2.5}, intended to be equivalent to the PM₁₀ short-term NAAQS of 150 μg/m³ (24-hr standard) (SP p. 5-69, line 1). However, CASAC has recognized that the wide regional and source-specific variations in the fine/coarse ratio of PM emissions make it very difficult if not impossible to adopt any single PM_{10-2.5} standard as a nationwide equivalent standard. The proposed 65-85 μg/m³ NAAQS for PM_{10-2.5} is not equivalent to the current PM₁₀ standard in agricultural settings where emissions are dominated by the coarse mode. (Using a typical log-normally distributed dust from an agricultural source with a mass-median diameter of 20 microns and a geometric standard deviation of 2.0, the equivalent coarse standard would be 149 μg/m³.) Given a PM_{10-2.5} NAAQS of 65-85 μg/m³, an area dominated by coarse PM could have concentrations below the current PM₁₀ and PM_{2.5} NAAQS and yet exceed the PM_{10-2.5} NAAQS proposed in the SP.

Even though EPA is proposing a new PM_{10-2.5} standard, there is no existing FRM for measuring PM_{10-2.5} nor a nationwide monitoring network for PM_{10-2.5}. At the current time, PM_{10-2.5} concentrations subject to the proposed NAAQS are estimated by subtracting PM_{2.5} concentrations from PM₁₀ concentrations. The available science indicates that the "difference method" of measuring coarse PM is not accurate, as a subcommittee of CASAC has recognized. Subtracting two measured and biased concentrations from each other will not produce accurate PM_{10-2.5} concentrations. In a typical case involving agricultural emissions, systematic biases compounded by the subtraction method can yield large measurement errors (in excess of 1000 percent) if the sampler operates within the PM_{2.5} and PM₁₀ FRM performance criteria. This procedure is technically incorrect and does not yield accurate concentrations of PM_{10-2.5}.

A coarse PM standard is not warranted based on current knowledge. "The selection of a PM_{10-2.5} indicator is without scientific merit and would represent an arbitrary and capricious choice based solely on the perceived need to have a "place holder" coarse PM indictor." (Dr. Roger O. McClellan, Member of CASAC, April 23, 2005 revised comments on SP, p. B-51.) The final PM CD (Oct 2004), EPA Staff, the CASAC, and numerous public comments, acknowledge that coarse PM health data are seriously limited. The final PM CD contains no conclusions as to the fitness of the short-term data for standard-setting purposes but repeatedly emphasizes their weakness as well as citing studies of exposure to coarse PM which have shown no evidence of harm. "Staff recognizes, however, that the epidemiologic evidence on morbidity and mortality effects related to PM_{10-2.5} exposure is very limited at this time." (SP p. 5-73, line 8) The SP concludes that there is substantial uncertainty supporting the concentration-response effect upon adverse human health based on non-representative study sites. This is secondary to an underestimation of PM_{10-2.5} concentrations at the distant recording sites and that PM_{2.5} is the predominate fraction of the ambient PM and not representative of areas with higher levels of thoracic coarse particles. (SP p. 5-59, line 17-19; p. 5-68, lines 1-16)

THE MAJOR RECOMMENDATION

Page 3
Coarse PM Implications

Recommendation: The USDA Agricultural Air Quality Task Force recommends that a coarse PM NAAQS not be promulgated unless and until sufficient research findings justify a standard.

OTHER SIGNIFICANT RECOMMENDATIONS

In addition to our concerns on the current and proposed PM NAAQS, there are other significant scientific deficiencies related to particulate monitoring in agricultural areas. They are:

1. PM_{2.5} and PM₁₀ concentrations measured with FRM samplers are biased when sampling PM with mass median diameters (MMD) larger than 2.5 and 10 microns respectively. Errors due to sampler bias of a magnitude of 20:1 are encountered when using FRM PM_{2.5} samplers to measure PM_{2.5} emissions (Buser et al., 2003). The subsequent use of these biased data will overestimate emissions and ambient concentrations. This will result in more agricultural areas being classified erroneously as non-attainment. In non-attainment areas, all sources of PM_{2.5}, including agricultural operations, will be required to reduce their respective PM_{2.5} contributions to the ambient air.

Recommendation: The USDA Agricultural Air Quality Task Force recommends that EPA address the sampler bias issues associated with ambient concentration measurements using FRM samplers.

2. The purpose of a NAAQS, as defined in the Clean Air Act, is to protect the health and welfare of the public. Agricultural operations are typically located appreciable distances from residential and recreational centers such that the property line emissions from these sources do not accurately reflect the quality of the ambient air to which the public is exposed. Furthermore, "Guidance for Network Design and Optimum Site Exposure for PM_{2.5} and PM₁₀", guidance prepared for EPA (Dec. 15, 1997) that "represents EPA's current views on theses issues", specifies that FRM samplers located at a property line are not to be used to determine the attainment status of an area. Samplers used to determine compliance with the NAAQS are to be sited such that they are not affected by any one source.

Recommendation: The USDA Agricultural Air Quality Task Force recommends that the NAAQS should not be used as a "concentration not to be exceeded" at the property line for permitting and enforcement of PM emissions from agricultural sources.

CONCLUSION

In conclusion, the NAAQS are health-based standards and agriculture is committed to protecting the health of our families, workers, and community by complying with standards that are requisite and necessary. However, this Panel is concerned that a coarse PM standard might be issued in the absence of sound science and would result in ineffective, unfair, and unnecessary controls. This panel has carefully reviewed the relevant EPA documents as well

Page 4 Coarse PM Implications

as the CASAC review and we strongly recommend that the proposed $PM_{10-2.5}$ standard not be promulgated unless and until sufficient research findings justify a standard.

USDA Agricultural Air Quality Task Force Panel on Coarse Particulate

Robert V. Avant, Jr., P.E.
Gary H. Baise, Esq.
Robert G. Flocchini, Ph.D.
Steven R. Kirkhorn, M.D., M.P.H.
Calvin B. Parnell, Ph.D., P.E.
Bryan W. Shaw, Ph.D.
Phillip J. Wakelyn, Ph.D.

MITCH McCONNELL

361-A RUSSELL SENATE OFFICE BUILDING WASHINGTON, DC 20510-1702 (202) 224-2541 08-001-4913

United States Senate

REPUBLICAN LEADER

COMMITTEES:

AGRICULTURE

APPROPRIATIONS

RULES AND ADMINISTRATION

November 7, 2008

The Honorable Stephen Johnson Administrator Environmental Protection Agency 1200 Pennsylvania Avenue, NW Washington, D.C. 20460-0001

Dear Administrator Johnson:

Following my October 23, 2008 correspondence to you on behalf of Somerset Energy Refining LLC, I write to share with you additional correspondence from this company regarding diesel fuel and gasoline benzene compliance deadlines. I would appreciate your review and response to this company's concerns.

I have enclosed a copy of my constituent's correspondence, for your information. Please direct any inquiries and all relevant information to Allison Thompson in my Washington, D.C. office.

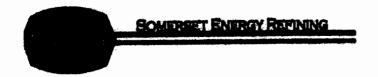
Thank you for your time and assistance. I will look forward to receiving your response.

Sincerely,

MITCH McCONNELL

UNITED STATES SENATOR

MM/at



600 Monticelio St. Somerset, KY 42501 Ph. 606-679-6301

November 6, 2008
VIA ELECTRONIC MAIL

Senator Mitch McConnell United States Senate 361-A Russell Senate Office Building Washington, DC 20510

Dear Senator McConnell:

Thank you for your letter dated October 23, 2008 to Administrator Johnson on behalf of Somerset Energy Refining, LLC ("SER"). Unfortunately, on October 31, 2008 and in a clarifying e-mail today, EPA denied SER's request for benzene hardship relief, stating that it needs additional information before it can make a determination. SER has provided EPA with all available information including a response to each category of information in the regulatory requirements. In addition, SER has indicated that it is willing to agree to a compliance plan that requires SER to submit the information that EPA contends it still needs, provided EPA can agree in advance to the extended compliance timeframes.

If SER does not acquire the refinery, its assets will be sold and the local economy will suffer the loss of hundreds of jobs and a local source of fuel. We appreciate any assistance you may be able to offer to avoid this outcome. Please give me a call if you have any questions.

Very truly yours,

Jan C. Acrea

Enclosure

cc: Mr. Michael Grunberg (via electronic mail)
Ms. Susan Donahue (via electronic mail)
Mark Altschul, Esquire (via electronic mail)

LeAnn Johnson-Koch, Esquire (via electronic mail)



AL-08-001-4913

Tanya Meekins to: Martha Faulkner, Gloria Hammond, Sabrina Hamilton

12/04/2008 09:51 AM

Hello all,

I spoke with Diann Frantz this morning in regards to this control. This was a followup letter from Senator Mitch McConnell. The Agency has already responded to him under control number AL-08-001-3998 as well as a verbal conversation from Diann to the Senator. No additional response is necessary. Please close control.

Thanks.

Tanya Meekins
Office of Transportation
and Air Quality
202-564-6002 (office)
202-564-1686(fax)

MITCH McCONNELL KENTUCKY

317 RUSSELL SENATE OFFICE BUILDING

WASHINGTON, DC 20510-1702 (202) 224-2541

11-001-0228

REPUBLICAN LEADER

AGRICULTURE

United States Senate

APPROPRIATIONS **RULES AND ADMINISTRATION**

June 16, 2011

The Honorable Lisa Jackson Administrator **Environmental Protection Agency** 1200 Pennsylvania Avenue NW Washington, D.C. 20460

Dear Administrator Jackson:

I am writing to you on behalf of one of my constituents, Mr. William R. Fisher, Plant Manager for DuPont's Louisville plant. Mr. Fisher has expressed his concern about the Environmental Protection Agency's interim direct final allocation rule in response to the court order to reallocate allowances to make, import and export the refrigerant gas, F22. I would appreciate your review and response to my constituent's questions and concerns.

I have enclosed a copy of my constituent's correspondence for your information. Please direct any inquiries and all relevant information to Chris Carson in my Washington, D.C. office.

Thank you for your time and assistance. I will look forward to receiving your response.

Sincerely,

MITCH McCONNELL UNITED STATES SENATOR

MM/cc

Ms. Drusilla Hufford cc:



11 JUN -8 AM 11: 21

Louisville Works Plant 4200 Camp Ground Rd. Louisville, KY 40216-4602 United States

William R. Fisher, Jr. Plant Manager

May 26, 2011

The Honorable Mitch McConnell 361A Russell Senate Office Building Washington, DC 20510

Dear Senator McConnell,

I am the plant manager for DuPont's Louisville plant, where we make the refrigerant gas F22. As part of the regulatory process under the Montreal Protocol to phase out ozone depleting substances, EPA occasionally issues rules that provide allowances to companies like ours to make, import and export F22. This process has worked very well. In 2009 EPA issued a rule for the 2010-2014 timeframe that followed their normal process. All three US producers of F22 (DuPont, Honeywell and MDA Manufacturing) were satisfied with the allocation.

Unfortunately, two foreign companies, Arkema and Solvay Solexis, neither of whom produce F22 in the US, seeking to gain advantage, sued EPA. The court accepted their arguments that EPA should make their allocation determinations in a manner unlike any previous allocation, and ordered the EPA to dramatically increase their allowance allocation in a way that would decrease those of all other companies, including the US producers. The result is an artificial shift of over \$100 million in product sales from US companies to foreign producers.

EPA has developed an interim direct final allocation rule in response to the Court's order, which is now at OMB. To make the best of a bad situation we believe the final rule should incorporate two key elements;

First, EPA should not increase the total number of "consumption allowances", which permit US production or import, in order to provide more allowances to these two companies. While this results in DuPont losing allowances to these foreign producers, creating additional consumption allowances would disrupt the market.

Second, the total number of production allowances (allowing production for export to developing nations) allocated to companies should not be reduced below the number in EPA's original rulemaking. To do so would add insult to injury by reducing our ability to produce for the export market. EPA should allocate additional production allowances to the two companies.

We also believe that EPA should quickly proceed to a full rulemaking process in which we can seek to minimize this artificial market shift.

Any assistance you can provide would be most appreciated.

Sincerely,

William R. Fisher Jr.

Plant Manager

MITCH McCONNELL

361-A Russell Senate Office Building Washington, DC 20510-1702 (202) 224-2641

United States Senate

MAJORITY WHIP

COMMITTEES

AGRICULTURE

APPROPRIATIONS
SUBCOMMITTEE ON FOREIGN OPERATIONS

RULES AND ADMINISTRATION

August 25, 2005

The Honorable Stephen Johnson Administrator Environmental Protection Agency 1200 Pennsylvania Avenue, NW Washington, D.C. 20460-0001

Dear Administrator Johnson:

I write to express my support for the application submitted by the Montgomery County School Board in Montgomery County, Kentucky, for funding under the Clean School Bus USA Assistance Agreement program (CFDA#66.036).

The Montgomery County School Board, in partnership with neighboring Bourbon County School District, seeks funds to implement a comprehensive program to reduce diesel emissions from school buses in these communities. These districts have identified five specific steps they believe will dramatically reduce emissions from school buses. Under the proposal, both districts will retrofit their fleets with Diesel Oxidation Catalyst or Diesel Particulate filters, and they will use ultra low sulfur diesel fuel when it becomes available from local vendors in 2006. Bourbon County plans to replace 5% of its fleet, specifically older buses that get fewer miles per gallon than new buses. Both school systems will develop an idling reduction policy in line with EPA recommendations, and finally, both districts will work with the Kentucky Division of Air Quality to establish an anti-idling campaign that includes driver training and follow-up, an award program, and signs. The Kentucky Division of Air Quality also will provide alternative fuels curriculum and indoor tools for air quality schools training and assistance.

In short, securing funds for this important project will help both the Montgomery County and the Bourbon County school districts significantly improve the air quality of their communities by reducing school bus diesel exhaust levels. I hope you will realize the importance of this project and give appropriate consideration to the application.

Thank you for your time and attention to this matter.

Sincerely,

MITCH McCONNELL

UNITED STATES SENATOR

MM/bdb



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY WASHINGTON, D.C. 20460

OCT 26

OFFICE OF AIR AND RADIATION

The Honorable Mitch McConnell United States Senate Washington, D.C. 20510-1702

Dear Senator McConnell:

Thank you for your August 25, 2005, letter to the U.S. Environmental Protection Agency (EPA) regarding the interest of Montgomery County School Board in the recent Clean School Bus USA program grant competition.

The request for applications for this grant competition closed on July 22, 2005. We received Montgomery County School Board application before the deadline and it is therefore eligible to be considered for funding. EPA is presently evaluating all grant applications and plans to announce the winners of the competition in November, 2005.

EPA received 172 applications in response to the request for applications from school districts across the country. These applications requested funding totaling approximately \$50 million, with an applicant match of \$37 million. It is encouraging to see so many school districts ready to take action to reduce pollution by upgrading their existing diesel school bus fleets.

We appreciate your interest in, and support of, EPA Clean School Bus USA program. The support and interest from members of Congress as well as industry and corporate partners, educators, environmental groups, public health officials, and other community leaders who are committed to protecting our nation health and modernizing America in-use diesel fleet is important. This program allows us to work together to achieve the overall goal of reducing children exposure to air pollution from diesel school bus engines.

Again, thank you for your letter and your continued support for this program. If you have further questions regarding EPA Clean School Bus USA program, please contact Diann Frantz, in EPA's Office of Congressional and Intergovernmental Affairs, at (202) 564-3668.

Sincerely,

William L. Wehrum

Acting Assistant Administrator

08-000-1899 -

MITCH MCCONNELL KENTUCKY

361-A Russell Senate Office Building Washington, DC 20510-1702 (202) 224-2541

United States Senate

REPUBLICAN LEADER
COMMITTEES:
AGRICULTURE
APPROPRIATIONS
RULES AND ADMINISTRATION

February 12, 2008

The Honorable Stephen Johnson Administrator Environmental Protection Agency 1200 Pennsylvania Avenue, NW Washington, D.C. 20460-0001

Dear Administrator Johnson:

I write on behalf of one of my constituents, Hardin County Judge Executive Harry L. Berry. Judge Berry is concerned about the Environmental Protection Agency's proposed revisions to ground level ozone standards.

I have enclosed a copy of Judge Berry's correspondence, for your information. Please direct any inquiries and all relevant information to Allison Thompson in my Washington, D.C. office.

Thank you for your time and assistance. I will look forward to receiving your response.

Sincerely,

MITCH McCONNELL

UNITED STATES SENATOR

MM/jw

6653466

Harry L. Berry Hardin County Judge/Executive

Steve W. Smith Deputy Judge/Executive

Carolyn K, Ritchie County Treasurer



Hardin County Commissioners

Garry King

Bill Hay

P.O. Box 568 Elizabethtown, Kentucky 42702

Office: (270) 765-2350 • Fax: (270) 737-5590

E-mail: hcgo@hcky.org

January 23, 2008

The Honorable Mitch McConnell Republican Leader, U.S. Senate 361-A Russell Senate Office Building Washington, DC 20510

Dear Senator McConnell:

I know we share the same concerns for the working people of Kentucky, including those here in Hardin County. The economy seems to be on the edge and we continue to lose too many manufacturing jobs to outsourcing. I believe we all agree that small businesses in our state cannot absorb another blow to their bottom lines, That is why I want to bring to your attention an unnecessary proposal by the EPA to revise air quality standards at the expense of working families throughout the country.

The National Ambient Air Quality Standards for ozone were last revised in 1997, and at that time, support for the ozone limits now in place enjoyed overwhelming support from the scientific community. The evidence only a decade ago confirmed that the limits imposed maintained substantial margins to protect public safety and health.

What has changed since then? One of the only clinical studies cited by the EPA relied upon just 30 volunteers, and the study's author claims the EPA misinterpreted his findings. Even within the agency, this issue is hotly debated. Our responsibility as public servants is to demand a more compelling basis for costly revisions and, in the absence of clear facts demonstrating a need for change, to support the retention of current standards.

The EPA proposal, if implemented, will be one of the two most expensive federal regulations since 1995, costing an additional \$10-\$22 billion. I understand American businesses have already invested \$150 billion to meet the current standards. States and counties will scramble to formulate new plans to meet the strict revisions and the EPA indicates that because of technology limitations, 1 in 8 counties nationwide will simply not be able to reach their benchmark even if they address every known factor in their control. The penalties for failure could cost Kentucky much needed federal highway dollars.

Senator Mitch McConnell Page 2 January 23, 2008

Please contact the EPA Administrator and influential officials in the Administration to urge them to retain the current standard. I know we can count on you to bring reason to this controversy and help to prevent the EPA's regulatory overreach.

As always, thank you for your advocacy and hard work on behalf of the people of Kentucky. If I can be of assistance to you with this issue or any other, please contact me any time!

With warm regards,

Harry L. Berry

Hardin County Judge/Executive

U.S. Senator

MITCH McCONNELL

Room 361-A
Russell Senate Office Building

Phone: (202) 224-2541

FAX: (202) 224-2499

TO:

EPA Congressional 501-1519

FROM:

Aluson Thompson

PAGES TO FOLLOW:

RE:

Please Contact me at 220-0890

If you have any questions.

Thanks!



WASHINGTON



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

FEB 2 9 2008

OFFICE OF AIR AND RADIATION

The Honorable Mitch McConnell United States Senate Washington, D.C. 20510

Dear Senator McConnell:

Thank you for your letter of February 12, 2008, on behalf of your constituent, Judge Harry L. Berry regarding the U.S. Environmental Protection Agency's (EPA) review of the National Ambient Air Quality Standards (NAAQS) for ozone. The Administrator has asked me to respond to your letter.

EPA appreciates the importance of NAAQS decisions to State and local areas. In formulating his proposed decision to revise the ozone standards, the Administrator carefully considered the full body of available scientific evidence. Under the Clean Air Act, decisions regarding the NAAQS must be based solely on an evaluation of the health and environmental effects evidence: EPA is prohibited from considering costs or ease of implementation in setting the NAAQS. However, once the Administrator has determined the appropriate level for the standards, costs are carefully considered as part of the implementation process.

I have forwarded your letter and Judge Berry's comments, including his recommendation that EPA retain the current ozone standards, to the docket for this rulemaking (Docket ID No. EPA-HQ-OAR-2005-0172). As we move toward a final decision by March 12, 2008, the Administrator will continue to weigh the available scientific evidence in light of the large number of comments received during the public comment period, which ended on October 9, 2007.

Again, thank you for your letter. If you have further questions, please contact me or your staff may call Diann Frantz, in EPA's Office of Congressional and Intergovernmental Relations, at 202-564-3668.

Sincerely.

Robert J. Meyers

Principal Deputy Assistant Administrator

0 9-000-8506

MITCH MCCONNELL

381-A RUBBRLI SENATE OFFICE BUILDING WARHINGTON, DC 20510-1702 (202) 224-2541

United States Senate

REPUBLICAN LEADER

COMMITTEES:

AGRICULTURE

APPROPRIATIONS

RULES AND ADMINISTRATION

June 24, 2008

The Honorable Stephen Johnson Administrator Environmental Protection Agency 1200 Pennsylvania Avenue, NW Washington, D.C. 20460-0001

Dear Administrator Johnson:

I write on behalf of Ms. All and Mr. All , who have contacted me regarding the Martha Oil Field reclamation efforts. I would appreciate your review and response to my constituent's questions and concerns.

I have enclosed a copy of Ms. correspondence, for your information. Please direct any inquiries and all relevant information to Allison Thompson in my Washington, D.C. office.

Thank you for your time and assistance. I will look forward to receiving your response.

Sincerely,

MITCH McCONNELL

UNITED STATES SENATOR

MM/at

E-Mall Viewer

Source Message Details Attachments Headers HTML

From: "nobody@www.senate.gov" <nobody@www.senate.gov> Date: 4/29/2008 7:44:11 PM

To: "webmail@mcconnell-iq.senate.gov" <webmail@mcconnell-iq.senate.gov>

Subject: Environmental Help Needed

<IP>69.176.38.229</IP>

<APP>SCCMAIL

<PREFIX>

⊄IRST>

CAST>F

<ADDR1>

<ADDR:

<CITY>Martha</CITY>

<STATE>KY</STATE>

<ZIP>411F9</710>

<PHONE> ...

<EMAIL

<ISSU!

<MSG>April 30, 2008

Dear Senator McConnell,

I am encouraged at your recent commercial about radiation. Your support against radiation in the workplace is commendable but my neighbors and I need your help with radiation on our home places.

Here in the Martha Valley we also have a problem with radiation. I don't think that the EPA is doing enough to make sure that the Kentucky DEP is keeping us safe from a huge radiosotive temporary storage cell right here on the Lawrence and Johnson County border.

is there anything you can do to help us? If there is, I invite you to visit one of our weekly community meetings to explain it

Some of Kentucky's best family farm land is attil contaminated with radiation on our property, water sources, waterways and food source almost twenty-years after the EPA told us that our property was going to be cleaned of the oil industry's radioactive waste.

We love where we live and once had viable resources in the area, only to be destroyed by this waste from the oil industry. We have evidence that the company doing the clean-up is being allowed by the Kentucky DEP to land spread, cover up and bury radioactive material on resident's property- all violations of federal law and we need your help to get this in the right hands in the Federal Government.

Why are we less deserving of a safe piece to live and raise our families than anyone else in not only this Commonwealth but in the United States? We just ask support for the betterment of area resident's health and livelihood as should be anywhere. The future depends on stronger healthler citizens with the ability to work and live in a sefe environment.

Please prove to us that big money can be stopped from being allowed to control what is in the best interests of others when it clearly affects their lives and wall being.

It is our hope that you will do the right thing and support our residents in ridding us of this devastating environmental hazard that has posed risks to us for over 40 years and has already taken the lives of several family, friends and loved ones.

We have a community meeting of the Martha Valley residents every Monday night. I invite you to come speak to us and learn about the situation we have here. We would also like you to let us know what you can do to help us and explain your position on the leave of energy and environment.

Thank You,

WP. Ce

</APP>

Close

U.S. Senator

MITCH McCONNELL

Room 361-A
Russell Senate Office Building

Phone: (202) 224-2541

FAX: (202) 224-2499

TO:

ERA long ressional

FROM:

Allison Thompson

PAGES TO FOLLOW:

RE:

Please contact me at 202-228-0890

if you need additional information.



WASHINGTON



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

JUL 2 3 2008

The Honorable Mitch McConnell United States Senate SR-361A Russell Senate Office Building Washington, D.C. 20510

Dear Senator McConnell:

Thank you for your June 24, 2008, letter to Stephen Johnson, Administrator of the U.S. Environmental Protection Agency (EPA), on behalf of Ms. Exp. and Mr. In this most recent correspondence, Ms. Pelphrey expressed concern with radioactive contamination on properties in the Martha Oil Field, and the storage cell on the Lawrence and Johnson County border. Your letter was forwarded to me for a response.

Under the terms of a 1987 Administrative Order on Consent (AOC), EPA continues to oversee the remediation activities being conducted by Ashland Oil Company at the Martha Oil Field site. The main purposes of the AOC are to ensure proper plugging of all subject wells in the oil field and to provide for appropriate remediation of surficial pits, ponds, impoundments, tank batteries, and any other contaminated areas. The remediation activities primarily address the cleanup of petroleum contaminated soils, oil pits, and piping associated with past oil drilling and exploration. In 1995, Ashland also entered into an agreement with the Kentucky Cabinet for Health and Family Services (CHFS) establishing the Martha Reclamation Plan to address pits not covered by EPA's AOC and ensure adherence to a state-established naturally occurring radioactive material (NORM) standard in conducting the remaining reclamation activities.

In an effort to respond to the ongoing concerns expressed by Ms.

, EPA and CHFS representatives visited their properties, among others, on June 26, 2007, to conduct joint radiation surveys. While EPA participated in the survey, responsibility for the regulation of NORM rests with the CHFS. The survey data are still awaiting validation by the state's laboratory consultant to Radiation Health Branch (RHB) within the Kentucky Department for Public Health, a CHFS agency. I understand this process, as well as the subsequent data review process, can be lengthy. After data validation and review, the CHFS will issue letters to the property owners whose sites are below cleanup criteria for NORM, as defined by the Martha Reclamation Plan. It is my understanding that those sites that are below the cleanup criteria will not require further cleanup for NORM. However, Ashland acknowledges its remediation responsibility for the pits, which contain oil-related wastes and possibly NORM.

During the June 2007 visit, EPA and CHFS representatives also observed the storage cell on the Lawrence and Johnson County border which is referenced in Ms. s letter. The cell, which is monitored by RHB, receives contaminated materials from properties remediated by Ashland and will continue to do so until remediation activities cease. Before final disposition of the materials, Ashland must submit plans which RHB will review to ensure that public health and safety are maintained.

On May 21, 2008, CHFS sent a letter to property owners with potentially NORM-impacted sites that had not been previously remediated to encourage their participation in remediation activities. I understand that most property owners agreed to grant access; however, Ms. y and Mr. h did not agree to allow Ashland on their property to complete remediation. Ashland representatives continue to assert their willingness to remediate properties in the Martha Oil Field and, in recent correspondence to CHFS, expressed their desire that remediation will occur as quickly as possible so that it can conclude operations in the Martha Oil Field.

In closing, both we and CHFS officials understand your constituents' concerns, but remain confident that remediation activities in the Martha Oil Field are being conducted responsibly and in compliance with the agreements between Ashland and federal and state regulators. If you have questions or need additional information, please contact me or the Region 4 Office of Congressional and Intergovernmental Relations at (404) 562-8327.

Sincerely,

J. I. Palmer, Jr.

Regional Administrator

cc: Janie Miller, Secretary, CHFS

William D. Hacker, MD, Commissioner, KDPH

MITCH MCCONNELL

361-A RUSSELL SENATE OFFICE BUILDING

WASHINGTON, DC 20510-1702 (202) 224-2541 United States Senate

07-001-4911

REPUBLICAN LEADER

COMMITTEES:

AGRICULTURE

APPROPRIATIONS
RULES AND ADMINISTRATION

November 12, 2008

The Honorable Stephen Johnson Administrator Environmental Protection Agency 1200 Pennsylvania Avenue, NW Washington, D.C. 20460-0001

Dear Administrator Johnson:

I write on behalf of Mr. Ron Stout who is concerned about the Smith's Farm Superfund site.

I have enclosed a copy of Mr. Stout's correspondence, for your information. Please direct any inquiries and all relevant information to Allison Thompson in my Washington, D.C. office.

Thank you for your time and assistance. I will look forward to receiving your response.

Sincerely,

MITCH McCONNELL

UNITED STATES SENATOR

MM/at

60057248

S & S LAND DEVELOPMENT GROUP, LLC 1458 CHEROKEE ROAD LOUISVILLE, KENTUCKY 40204 (502) 451-3120

'08 OCT 30 AM 8: 12

. 4

October 17, 2008

VIA E-MAIL AND FIRST CLASS MAIL

Mr. Jimmy Palmer Regional Administrator U.S. Environmental Protection Agency, Region 4 61 Forsythe Street, SW Atlanta, GA 30303-8960

Re: Smith's Farm Superfund Site Redevelopment

Dear Mr. Palmer:

I feel compelled to address this letter to you directly to express my frustration and outrage with respect to a phone call in which I participated with my consultants and attorneys, representatives of the United States Environmental Protection Agency (EPA) Region 4 and representatives of the Kentucky Department for Environmental Protection (KDEP) on Tuesday, October 14. Our small company, S & S Land Development Group, LLC (S&S), comprised of two individuals, has been attempting to redevelop a portion of the Smith's Farm Superfund site for residential land use, on a part of the property where there has never been any evidence of impact by the illegal dumping and landfilling that occurred many years ago.

My partner and I have worked as cooperatively as possible with EPA to address every issue that they have raised, however, on October 14th, EPA raised concerns that had never been brought to our attention nor to the attention of our environmental consultants or attorneys, despite the fact that we are three years into this process. During our phone call, our consultants and we were treated rudely, unprofessionally and unfairly by one of your staff members, and I am therefore asking that you intercede to bring some rationality to this process.

As background for you to understand this history, the Smith's Farm Superfund property comprises a total of 560 acres, although only approximately 80 acres are fenced and currently housing the remediation contractor working for the PRP Group. If you read the Region 4 Summary of the site (attached), it states clearly that this is a "100-acre site." The site was originally listed in 1986 and successful groundwater remediation is ongoing at the property, as stated on the EPA NPL/NPL Caliber Cleanup Site Summary on the EPA Region 4 Superfund website. After all this time, one would assume that EPA and the PRP Group have adequately characterized groundwater conditions at the site, as well as other environmental conditions that

Mr. Jimmy Palmer October 17, 2008 Page 2

might present a risk to human health or the environment. The two record of decisions (RODs) for the regulated operable units (OUI and OU2) are voluminous and are available online to the public and to EPA.

I understand that there may be differences of opinion between consultants and EPA with respect to the nature and amount of data that the respective parties believe is appropriate for characterizing the site or risk to human health or the environment at the site. For that reason, we had scheduled a conference call with Craig Zeller, the EPA project manager for this site, Teresa Mann, a Region 4 attorney, and representatives of the KDEP. It was our understanding from Mr. Zeller's correspondence that the intent of the meeting was to establish what information EPA would find appropriate for removing the declaration of restrictions on the property that prohibit residential development. It is my firm belief that the residential restriction should never have been placed on the approximately 480-acre portion of the property outside of the approximately 80-acre fenced-in area that encloses the two OUs (which is supported by the attached Region 4 Summary), but we were prepared to discuss Mr. Zeller's list during our call. We have a sincere respect for Mr. Zeller's abilities and have worked with him cooperatively throughout this process.

Unfortunately, our call did not follow the agenda that we had been led to believe would lead to a task list to be accomplished from the meeting. Mr. Zeller first outlined his thoughts on what documentation needed to be submitted to remove the residential restriction for the approximately 480-acre tract surrounding the approximately 80-acre area occupied by the two OUs. In his discussion, for the first time in this three-year process, he stated that he expected a risk assessment for the entire 480-acre tract to be submitted. Our consultants were completely taken aback by this request, particularly considering the large amount of data that is already available from the EPA and the PRP group's consultants that have demonstrated no impacts outside the 80-acre fenced-in area.

When we discussed the information created for or by EPA, Teresa Mann stated that EPA did not have the time to go back and look at any of that information and that if it was available it was our duty to provide it to them. She also stated that our consultants would need to do groundwater modeling and further assessment to demonstrate that there was no risk, although extensive investigation was conducted by EPA and the PRP group in order to construct the existing landfill cap and its associated remedy components, including the leachate collection system that EPA identified in its "2006 5-year Review Report" Protectiveness Statement that states:

The remedy at the Site currently protects human health and the environment because the landfill cap is intact, the leachate treatment system is effective and all residents in the vicinity obtain water from the city, thus eliminating the exposure pathways relative to surface soils, surface water, and leachate water.

Mr. Jimmy Palmer October 17, 2008 Page 3

As you would expect, for a site that has been on the Superfund list for 22 years, this site has been completely characterized and claiming that groundwater modeling and further assessment must be completed prior to removing a residential restriction is spurious. The meeting only deteriorated after Ms. Mann's pronouncement on the need to create groundwater data that has already been extensively evaluated by EPA and the PRP group consultants. In an attempt to refocus the meeting, our attorney asked if EPA would provide us with a list of items they believed necessary to provide them the information to remove the residential restriction. After Mr. Zeller immediately responded that EPA would provide that information, he was told by Ms. Mann that EPA would not provide us with a list of information to address their concerns; rather, we should submit information and EPA would tell us if it is acceptable.

Finally, as we were discussing the impossibility of providing sufficient information without any guidance from EPA, Ms. Mann suggested that our consultant, who is very highly respected in this area and has worked on a number of projects throughout the country, might not have the skills necessary to provide EPA with the required information. This was a completely inappropriate comment and wholly unprofessional, reflecting, for reasons I cannot understand, the apparent bias Ms. Mann has against me and my business partner in attempting to develop an unaffected piece of property that has been out of any productive use and put it back on the tax rolls in Bullitt County, Kentucky.

I may be naïve for believing that EPA has a legitimate interest in supporting the reuse and development of nonproductive sites. The Land Revitalization and Reuse page of the Region 4 web site includes the following statement:

EPA and Region 4 seek to support the reuse and redevelopment of all types of contaminated properties, including brownfield sites, Superfund sites, RCRA sites, UST sites, and more. Land revitalization is important because it returns land to productive use, restores blighted properties, can be linked to local job opportunities, creates recreational opportunities, energizes neighborhoods, and protects the environment.

It is critical to understand that we are attempting to develop unaffected property surrounding the regulated units, and we have no intention of developing within the regulated units, in addition to an 80-foot perimeter "buffer zone" surrounding the regulated units. I am seeking your support to allow us to proceed with this project. EPA's delays in approval and its failure to provide guidance because EPA is "too busy," has now placed me in the position of having this property foreclosed on by the seller who holds a note on this property.

At this time, without the ability to remove the residential restrictions, there is no bank or large developer who is willing to invest in this project, particularly when they know that EPA will not provide any guidance or "support" to allow this property to be reused. S&S fully intends to inform EPA of all development plans and activities, but does not feel that EPA should have the

Mr. Jimmy Palmer October 17, 2008 Page 4

right to approve or disapprove development of the unaffected portion of the property, especially as we have gone to great lengths to sufficiently demonstrate that our proposed activities will, in no way, adversely impact the regulated units nor their associated remedy components. I stand to lose a significant amount of my personal savings because of the legal and consulting expenses I have incurred responding to EPA's requests, without ever knowing when they will be satisfied.

As a taxpayer and a person trying to "do the right thing," I am astounded by the lack of support provided by your staff. I hope that you will contact me directly to discuss this process and how it can be resolved in a manner suitable to all involved parties.

Sincerely,

Ron Stout

RS/clj

cc:

Attachments

Mr. Stephen L. Johnson (w/attachments)

Sen. Mitch McConnell (w/attachments)

Sen. Jim Bunning (w/attachments)

Hon. John Yarmuth (w/attachments)

Rep. Ron Lewis (w/attachments)

Pon Stout/as BED

Mr. David Lloyd (w/attachments)

Mr. Douglas Linebach (w/attachments)

Bradley E. Dillon, Esq. (w/attachments)

3060095_1.doc



http://www.epa.gov/Region4/waste/npi/npiky/smifrmky.htm Last updated on Thursday, October 2nd, 2008. Region 4: Superfund

You are here: EPA Home Region 4 Land Cleanup and Wastes Superfund NPL/Caliber Sites-Kentucky Smith's Farm

Kentucky NPL/NPL Caliber Cleanup Site Summaries

Smith's Farm

EPA ID: KYD097267413

Location: Brooks, Bullitt County, KY

Congressional District: 02

NPL Status: Proposed: 10/15/84; Final 06/10/86

Project Manager
Site Repository:
Ridgeway Memoria

Ridgeway Memorial Library 2nd and Walnut Street Shepherdsville, KY 40165 Documents: About PDF

Site Profile

Administrative Record Index (All PDF): OU1 (16 pp., 645K), OU2 (4 pp., 168K)

Additional Site Documents including Five Year Reviews, Records of Decisions (ROD)

and Explanation of Significant Differences (ESD).

• For documents not available on the website, please contact the Region 4 Freedom of Information Office (http://www.epa.gov/region4/folapgs/submit.htm).

Site Background:

The Smith's Farm Site, located in Bullitt County, Kentucky is a 100-acre site which consists of a 30-acre unpermitted former drum disposal area (Operable Unit One) and a 40-acre formerly-permitted construction debris landfill (Operable Unit Two) and several smaller, isolated disposal areas. The Site was used from the 1950s until 1989 for the disposal of local construction debris, municipal solid waste and commercial/ industrial waste from businesses and manufacturing facilities in the Louisville, Kentucky, area. Spent paint thinners, off-specification paints, paint booth sludges, metal shavings from machining operations, asbestos, off-specification epoxies, waste motor and transmission fluids, are examples of contaminated materials disposed at the Site; contaminants included a wide variety of volatile and semi-volatile organics as well as heavy metals. The leachate flowing from the Site threatened the streams which run through the Site to the nearby Salt River. Soil and surface water contamination threatened the nearby residential areas. Over 2,000 people live in the area of the Site.

Cleanup Progress: Actual Construction Complete

In 1984, at the request of the State, USEPA Emergency Response completed the removal of several thousand drums from the unpermitted drum disposal area, and surfaced the area with clay to mitigate leachate problems. In January 1989, after unsuccessful negotiations, a USEPA-funded Remedial Investigation and Feasibility Study (RI/FS), which focused primarily on the unpermitted drum disposal area (Operable Unit One), was completed. In September 1989, the Record of Decision (ROD) for Operable Unit One was completed. In November 1989, one potentially responsible party (PRP), General Electric, signed an Administrative Order by Consent for a Remedial Investigation and Feasibility Study of the formerly permitted landfill (Operable Unit Two). In 1989, USEPA, through the USDOJ, filed a cost

recovery suit against General Electric, Ford, AKZO, and Hoechst Celanese for the cost of the 1984 removal. In March 1990, after further unsuccessful negotiations, USEPA issued a Unilateral Administrative Order for the Remedial Design and Remedial Action (RD/RA) for the Operable Unit One area to 34 parties, including General Electric, Ford, AKZO, and Hoechst Celanese. In September 1991, according to new information obtained during the Operable Unit One Remedial Design, an Amendment to the Operable Unit One Record of Decision was completed; the cleanup at Operable Unit One was completed in November 1995 and Operation and Maintenance (O&M) activities began immediately thereafter. The cleanup activities resulted in the thermal treatment of 21,000 cubic yards of soils contaminated with polychlorinated biphenyls (PCBs) and polyaromatic hydrocarbons (PAHs) and metals (lead); and the construction of an 11-acre capped landfill with a leachate collection system. The OperableUnit Two Remedial Investigation and Feasibility Study was completed in January 1992. The Operable Unit Two Record of Decision was completed in September 1993 due to ongoing legal activities and schedule adjustments during the Operable Unit One cleanup. In April 1994, after unsuccessful negotiations, a Unilateral Administrative Order for the Remedial Design and Remedial Action for Operable Unit Two was issued to ten (10) parties. The Design began in June 1994; the Remedial Action construction began in March 1996 and the cleanup was substantially complete in September 1998 and resulted in the proper consolidation and capping of the 40-acre, formerly permitted landfili, and the construction of a leachate treatment plant. The final inspection on the Site was completed in January 1999. Cost allocation and O&M are enforced through two August 1997 Consent Decrees and a January 1998 Administrative Consent Order. O&M at both operable units is ongoing and the leachate treatment plant is operating satisfactorily. The leachate collection tanks at the Operable Unit One area have been connected to the influent feed to the leachate treatment plant via a new force main double- walled pipeline. The connection eliminates the hauling of Operable Unit One leachate by truck to the Operable Unit Two leachate treatment plant or to an off-site disposal facility. A Five-Year Review was conducted by EPA through the USACE and finalized in September 2001. In 2003, significant erosion damage from excessive rainfall was corrected by the contractor for the potentially responsible party (Ford).

The third Five-Year Review for the site was completed by the USACE and signed by EPA in September 2006. This review found that the on-site leachate treatment plant continues to operate satisfactorily and site remains fully protective of human health and the environment.

In December 2006, S&S Development purchased the entire 560 acre parcel from the Smith family. In August 2007, a site development plan was approved by EPA. This site development plan outlines the steps that S&S Development will implement to ensure that future site development work on the property does not compromise the integrity and protectiveness of the existing remedy for the landfilis. The initial phases of site development invoive logging and timber harvesting on 8 parcels of the site located entirely outside of the landfill areas. Logging on the site was initiated in December 2007 and is scheduled to be completed by the end of 2008.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

DEC - 4 2008

The Honorable Mitch McConnell United States Senate Washington, D.C. 20510

Dear Senator McConnell:

Thank you for your November 12, 2008, letter to Stephen Johnson, Administrator of the U.S. Environmental Protection Agency, concerning the Smith's Farm Superfund Site in Bullitt County, Kentucky. Your letter was forwarded to me for a response.

Enclosed, please find a copy of my response to Mr. Ron Stout, partner in S & S Land Development Group, LLC, regarding redevelopment at this site.

If you have questions or need additional information from EPA, please contact me or the Region 4 Office of Congressional and Intergovernmental Relations at (404) 562-8327.

Sincerely,

J. I. Palmer, Jr.

Regional Administrator

Enclosure

cc: Bruce Scott, KDEP



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

DEC - 1 2008

Mr. Ron Stout S & S Land Development Group, LLC 1458 Cherokee Road Louisville, Kentucky 40204

Dear Mr. Stout:

Thank you for your October 17, 2008, letter regarding redevelopment of the Smith's Farm Property (the Property) in Brooks, Bullitt County, Kentucky, on which the Smith's Farm Superfund Site (the Site) is located.

As noted in your letter, the Region 4 office of the U.S. Environmental Protection Agency (EPA) does support the reuse and redevelopment of contaminated properties, including Superfund sites. To facilitate redevelopment, Region 4, at my direction, was the first EPA regional office to establish a comprehensive Prospective Purchaser Inquiry (PPI) service, which offers accurate, comprehensive, and timely information about a Superfund site to enable a prospective purchaser to make a timely business decision about whether to purchase the site or not. This service is also used by individuals to discuss the redevelopment options at Superfund sites that are in various stages of the cleanup process. Prospective purchasers/developers and Region 4 staff discuss: (1) the proposed redevelopment and whether it is compatible with the remedy and the existing institutional controls at a site; (2) the current status of EPA's cleanup and the future anticipated actions; (3) the applicable federal landowner liability protections for bona fide prospective purchasers (BFPP) under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA); (4) liens that might apply to a property pursuant to CERCLA Section 107(1) (Superfund liens) or CERCLA Section 107(r) (Windfall liens); and (5) the role of the Region 4 staff in the future redevelopment.

Under Region 4's policy, EPA staff may generally discuss the redevelopment plans with a prospective purchaser or developer and identify obvious incompatibilities; however, the prospective purchaser/developer bears the burden of not impeding or injuring the remedy. Region 4 staff may inform a prospective purchaser/developer of any "reasonable steps" that EPA believes the prospective purchaser/developer will need to take for the proposed redevelopment to be compatible with the remedy, which can be quite complex in some cases.

In this case, the Region 4 technical and legal staff have had numerous meetings and conference calls with you and your environmental consultants about the proposed timber harvesting and redevelopment of the Property. I understand the Region 4 staff identified the reasonable steps that EPA believed were necessary to protect the remedy during the timber harvesting, just as we would do as part of the PPI service. S & S Development prepared a site development plan (SDP) for the timbering that outlined erosion controls to protect the remedy, and EPA reviewed the SDP for any obvious inconsistencies with the remedy. We found none. As a result, S & S Development began the timbering activities in December 2007.

I understand that, in June 2008, Region 4 staff informed you of the next reasonable step that EPA believes is necessary for S & S Development if it wishes to pursue future residential redevelopment. As was the case with the timber harvesting, S & S Development must produce a residential site development plan (RSDP), which documents that the proposed development will protect the remedy at the Site. The RSDP should explain, among other things, the installation of the base infrastructure (e.g., roads, curbing, sewer lines, water lines, power lines, etc.) that will support future residential housing and, in part, allow EPA to evaluate potential impacts to the remedy. We cannot give S & S Development Company written consent to conduct the next step of the redevelopment until the RSDP is provided to EPA and the Agency is satisfied that the development proposed will not adversely impact the remedy.

As of today, it is my understanding that S & S Development has not provided a RSDP. Once received, we will review the RSDP for any obvious inconsistencies with the remedy, and if there are none, EPA can provide S & S Development written consent to continue with the next phase of the redevelopment.

I now understand that S & S Development's original plans for the Property may have changed. Instead of redeveloping the Property, S & S Development may prefer to sell the Property, which you believe can only occur if the deed restriction component of the remedy is removed. It is my understanding that the Region 4 staff has consistently informed you that to remove the deed restriction, EPA must modify the Record of Decision (ROD) which documents the need for the deed restriction. In order to support a ROD modification, additional work will need to be performed at the Site and S & S Development will be responsible for conducting, or paying for, this additional work.

In closing, I truly regret that the call you described in your letter has caused you such concern. I assure you that we strive to treat all parties professionally. As outlined in this letter, we will work with you and S & S Development Company, consistent with our authority and policies, to support revitalization and redevelopment. I invite you to come to our offices in Atlanta, Georgia, if you would like to have further discussions about both the work that is necessary to support a ROD modification and the regulatory process EPA must follow to that end. We are also open to discussing potential approaches for developing a limited portion of the Property, which might be accomplished more readily. To set up this meeting, please contact Don Rigger, Chief of the Superfund Remedial and Site Evaluation Branch, at (404) 562-8744. Mr. Rigger will arrange to have a Superfund Redevelopment Coordinator present at the meeting to further explain Region 4's redevelopment policies in accordance with our PPI service. If you would like to continue the redevelopment of the Property, please notify Mr. Rigger. The Region 4 staff will review the RSDP promptly.

Sincerely,

J. I. Palmer, Jr.

Regional Administrator

cc: Bruce Scott, KDEP

MITCH MCCONNELL

381-A RUSSELL SENATE OFFICE BUILDING WASHINGTON, DC 20510-1702 (202) 224-2541

0 9-001-0528

United States Senate

REPUBLICAN LEADER

COMMITTEES:

AGRICULTURE

APPROPRIATIONS

RULES AND ADMINISTRATION

July 7, 2009

Ms. Joyce Frank
Acting Associate Administrator for Congressional Relations
Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Room 3426 ARN
Washington, D.C. 20460

Dear Ms. Frank:

I write on behalf of Mr. Jerry Cabbage, President of Muhlenburg County Farm Bureau. He has contacted me with concerns about EPA regulations that are affecting waterway maintenance. I would appreciate your review and response to my constituent's questions and concerns.

I have enclosed a copy of my constituent's correspondence, for your information. Please direct any inquiries and all relevant information to Allison Thompson in my Washington, D.C. office.

Thank you for your time and assistance. I will look forward to receiving your response.

Sincerely,

MITCH McCONNELL

UNITED STATES SENATOR

MM/at



Muhlenberg County Farm Bureau Federation

P. O. Bax 256 • Greenville, Kentucky 42345

Phone: (270) 338-3630 • Fax: (270) 338-5168

Senator Jim Bunning 100 S. Main, Suite 12 Hopkinsville, KY 42240

Dear Senator Bunning,

Muhlenberg County Farm Bureau is requesting that licensed explosive shooters be allowed to use proper measures to remove blockages in Pond River and its tributaries, to alleviate the pressure of debris from the recent storms. The current EPA regulations that are preventing ditch banks from being maintained and have allowed the growth to accumulate in excess along these waterways, have resulted in this debris impacting normal stream flow. Blockages are causing new channels to form and contribute to erosion in these areas. Immediate action is needed for protection of crops and to uphold the integrity of the land.

This method has been used by the Department of Fish and Wildlife for the removal of beaver dams with effective results. This task needs to be done as soon as possible, especially south of Highway 85 in Muhlenberg County.

We appreciate your attention in this matter.

Sincerely,

Jerry Cabbage,

President, Muhlenberg County Farm Bureau

Jerry Cablage

CC: Senator Mitch McConnell, Representative Ed Whitfield, Senator Jerry Rhoads, Representative Brent Yonts



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

AUG 1 4 2009

The Honorable Mitch McConnell United States Senate 361-A Russell Senate Office Building Washington, D.C. 20510-1702

Dear Senator McConnell:

Thank you for your July 7, 2009, letter to Ms. Joyce Frank, Acting Associate Administrator of Congressional Relations, U.S. Environmental Protection Agency (EPA), on behalf of Mr. Jerry Cabbage, President of Muhlenberg County Farm Bureau. Your letter was forwarded to me for a response.

Mr. Cabbage has requested that licensed explosive shooters be allowed to remove woody debris blockages in Pond River and its tributaries in order to lessen stream bank erosion along agricultural land. This activity will most likely result in a discharge of material into waters of the United States and will likely be regulated under the Clean Water Act (CWA).

The U.S. Army Corps of Engineers (Corps) has responsibility for permitting activities under Section 404 of the CWA. In general, an individual, company or agency proposing a specific activity that results in the discharge of dredged or fill material in waters of the United States must obtain a Section 404 permit or authorization from the Corps. EPA reviews these permit applications to ensure compliance with the CWA. If a Section 404 individual permit is required, steps must be taken to avoid, minimize, and mitigate for impacts to aquatic resources. As part of this process, an applicant must demonstrate that the selected alternative is the least environmentally damaging practicable alternative. Measures to offset unavoidable impacts may be required as part of the permit. Such measures are included as part of the permit and are subject to monitoring and enforcement.

The Corps determines regulatory coverage of specific projects and sites. For this particular request regarding the use of dynamite in a stream, I suggest that he contact the Corps' office serving Muhlenberg County directly to determine if they can address his specific concerns:

U.S. Army Corps of Engineers, Louisville Romano Mazzoli Federal Building 600 Dr. Martin Luther King, Jr. Place Louisville, Kentucky 40202 Telephone: 502-315-6692 State regulations or requirements related to this project would most likely be under responsibilities assigned to the Kentucky Division of Water, Water Quality Certification Program. That office can be reached at:

Kentucky Division of Water 200 Fair Oaks Lane Fourth Floor Frankfort, KY 40601 Telephone: 502-564-3410

If you have questions or need additional information from EPA, please contact me or the Region 4 Office of Congressional and Intergovernmental Relations at (404) 562-8327.

Sincerely,

A. Stanley Meiburg

Acting Regional Administrator

cc: Bruce Scott, Commissioner, KYDEP U.S. Army COE, Louisville

THE WHITE HOUSE OFFICE REFERRAL

June 06, 2011

TO:	O: ENVIRONMENTAL PROTECTION AGENCY								
AC'	ACTION COMMENTS:								
AC.	ACTION REQUESTED: APPROPRIATE ACTION								
REFERRAL COMMENTS:									
DES	DESCRIPTION OF INCOMING:								
	ID:	1056473							
	MEDIA:	LETTER							
	DOCUMENT DATE:	May 25, 2011							
	TO:	PRESIDENT OBAMA							
	FROM:	THE HONORABLE MITCH MCCONNELL UNITED STATES SENATE WASHINGTON, DC 20510							
	SUBJECT:	EXPRESS THEIR CONCERNS WITH THE ADMINISTRATION'S PROPOSED RULE TO COAL COMBUSTION RESIDUES (CCRs) INCLUDING ASH AND OTHER COMBUSTION BYPRODUCTS TO TREATMENT AS EITHER HAZARDOUS OR NON-HAZARDOUS WASTE SUBSTANCES							
COMMENTS:									
	•								

PROMPT ACTION IS ESSENTIAL -- IF REQUIRED ACTION HAS NOT BEEN TAKEN WITHIN 9 WORKING DAYS OF RECEIPT, UNLESS OTHERWISE STATED, PLEASE TELEPHONE THE UNDERSIGNED AT (202) 456-2590.

RETURN ORIGINAL CORRESPONDENCE, WORKSHEET AND COPY OF RESPONSE (OR DRAFT) TO: DOCUMENT TRACKING UNIT, ROOM 85, OFFICE OF RECORDS MANAGEMENT - THE WHITE HOUSE, 20500 FAX A COPY OF REPONSE TO: (202) 458-5881

THE WHITE HOUSE DOCUMENT MANAGEMENT AND TRACKING WORKSHEET



DATE RECEIVED: June 01, 2011

CASE ID: 1056473

NAME OF CORRESPONDENT: THE HONORABLE MITCH MCCONNELL

SUBJECT:

EXPRESS THEIR CONCERNS WITH THE ADMINISTRATION'S PROPOSED RULE TO COAL COMBUSTION RESIDUES (CCRs) INCLUDING ASH AND OTHER COMBUSTION BYPRODUCTS TO TREATMENT AS EITHER HAZARDOUS OR NON-HAZARDOUS WASTE SUBSTANCES

ĩ

ROUTE TO: AGENCY/OFFICE LEGISLATIVE AFFAIRS		(STAFF NAME) ROB NABORS	ACHON		DESPOSITION	
					MANUAL SODE COMPLETED	
			ORG	06/01/2011		
	ACTION COMMENTS:		/			
TEPA			A 6	16/11		
	ACTION COMMENTS:			,		
	ACTION COMMENTS:			,		
	ACTION COMMENTS:					
-						
	ACTION COMMENTS:					
COMMENTS: 1 AD	DL SIGNEE					

MEDIA TYPE: LETTER USER CODE:

ACTION CODES	DISPOSITION				
A = APPROPRIATE ACTION B = RESEARCH AND REPORT BACK	TYPE RESPONSE	DISPOSITION CODES	COMPLETED DATE		
D = DRAFT RESPONSE	INITIALS OF SIGNER (W.H. STAFF) NRN = NO RESPONSE NEEDED OTBE = OVERTAKEN BY EVENTS	A = ANSWERED OR ACKNOWLEDGED C = CLOSED X = INTERIM REPLY	DATE OF ACKNOWLEDGEMENT OR CLOSEOUT DATE (MM/DD/YY)		

KEEP THIS WORKSHEET ATTACHED TO THE ORIGINAL INCOMING LETTER AT ALL TIMES
REFER QUESTIONS TO DOCUMENT TRACKING UNIT (202)-456-2590
SEND ROUTING UPDATES AND COMPLETED RECORDS TO OFFICE OF RECORDS MANAGEMENT - DOCUMENT TRACKING UNIT ROOM
85, EEOB.

Scanned By ORM

1056473

United States Senate WASHINGTON, DC 20510

May 25, 2011

The Honorable Barack Obama The President The White House 1600 Pennsylvania Avenue Washington, D.C. 20500-0005

Dear President Obama:

We write to express our concerns with the Administration's proposed rule to subject coal combustion residues (CCRs), including coal ash and other combustion byproducts, to treatment as either hazardous or non-hazardous waste substances.

On June 21, 2010, the Environmental Protection Agency (EPA) proposed two regulatory options to manage CCRs. The first would employ the EPA's existing authority to classify CCRs as hazardous waste and regulate it under standards established under Subtitle C of the Resource Conservation and Recovery Act (RCRA). The second option would establish regulations applicable to Coal Combustion Waste (CCW) disposal units under RCRA's Subtitle D solid waste management requirements.

In Kentucky, the coal industry employs 18,000 people, brings in more than three and a half billion dollars from out of state, and pays more than one billion dollars in direct wages each year. Kentucky is the third largest coal producing state and our low electricity rates due to coal allow us to produce a large share of the nation's stainless steel, aluminum, automobiles, and many other manufactured goods. The importance of coal to our nation's economy and security cannot be overstated.

In November, the public comment period concluded on the EPA's proposed rulemaking for the regulation of CCRs. Since then, members of the coal industry have expressed deep concern with any regulation of CCRs by the EPA, especially regulation under standards established under RCRA's Subtitle C. Under Subtitle C, a hazardous waste designation would create serious economic consequences for utilities, result in the loss of high-paying jobs in coal ash reuse businesses, and create a critical shortfall in hazardous waste disposal capacity.

The mining industry has been proactive in finding ways to reuse CCRs in mine reclamation projects, which has been previously recognized and promoted by both the National Academy of Sciences and the EPA, as desirable in appropriate circumstances. Despite the jobs and innovation that the beneficial reuse industry has created, the EPA is proposing to classify CCRs as hazardous waste without adequately investigating the implications of the classification on the coal industry. Finalizing a rule regulating CCRs under Subtitle C would permanently damage its

Page 2 May 25, 2011

beneficial use market. Although we believe any regulation of CCRs by the EPA would be overreach by the department, we agree with Kentucky's industry experts who deem regulation of CCRs under Subtitle D as less detrimental to the industry.

Thank you very much for your consideration of this important matter. We look forward to your response and to working with you to address this issue.

Sincerely,

MITCH McCONNELL

UNITED STATES SENATOR

RAND PAUL

UNITED STATES SENATOR



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

JUN 3 0 2011

The Honorable Mitch McConnell United States Senate Washington, D.C. 20510

OFFICE OF SOLID WASTE AND EMERGENCY RESPONSE

Dear Senator McConnell:

Thank you for your letter of May 25, 2011, to President Barack Obama, in which you expressed your concerns with the U.S. Environmental Protection Agency (EPA) proposed rule regarding coal combustion residuals (CCR). I appreciate your comments regarding the CCR rule that the EPA proposed on June 21, 2010.

Under this proposal, the EPA would regulate the disposal of coal combustion residuals for the first time. As you state in your letter, our proposal sought public comment on two different approaches under the Resource Conservation and Recovery Act (RCRA). One option would treat such wastes as "special waste" under Subtitle C of the statute, which creates a comprehensive program of federally enforceable requirements for waste management and disposal. The second option would establish standards for waste management and disposal under the authority of Subtitle D of RCRA. The agency is currently reviewing and evaluating approximately 450,000 public comments we received on the proposal before deciding on the approach to take in the final rule based on the best available science.

The EPA's proposal did not propose to regulate the beneficial use of CCR, such as in concrete, and the EPA continues to support safe and protective beneficial use. The EPA has identified concerns with some uses of CCR in an unencapsulated form, in the event that proper practices are not employed. Thus, the EPA solicited comments and information on these types of uses through the proposed rule and is evaluating those comments.

Finally, the EPA did not propose to address the placement of CCR in mines or non-minefill uses of CCR at coal mine sites in the proposed rule. The EPA stated in its proposal that the issue of placing CCR in minefills will be addressed in a separate regulatory action, consistent with the approach of deferring to the Office of Surface Mining recommended by the National Academy of Sciences.

Again, thank you for your letter. If you have further questions, please contact me or your staff may call Carolyn Levine, in EPA's Office of Congressional and Intergovernmental Relations, at (202) 564-1859.

Sincerely,

Mathy Stanislaus

Assistant Administrator

MITCH McCONNELL

361-A RUSSELL SENATE OFFICE BUILDING WASHINGTON, DC 20510-1702 (202) 224-2541 05-660-5883

United States Senate

MAJORITY WHIP

COMMITTEES

AGRICULTURE

APPROPRIATIONS
SUBCOMMITTEE ON FOREIGN OPERATIONS

RULES AND ADMINISTRATION

March 29, 2005

Mr. Charles L. Engebretsen
Associate Administrator of Congressional and Intergovernmental Relations
Environmental Protection Agency
1200 Pennsylvania Avenue, NW, Room 3426 ARN
Washington, D.C. 20460-0001

Dear Mr. Engebretsen:

I am writing on behalf of a constituent who has contacted me regarding a pollution problem in Erlanger, Kentucky associated with a plastics plant located in Indiana. I would appreciate your review and response to my constituent's concerns.

I have enclosed a copy of my constituent's correspondence, for your information. Please direct any inquiries and all relevant information to Pamela Simpson in my Washington, D.C. office.

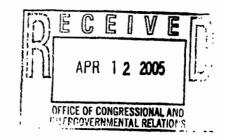
Thank you for your time and assistance. I will look forward to receiving your response

Sincerely,

MITCH McCONNELL

UNITED STATES SENATOR

MM/PS



The Honorable Mitch Mc Connell United States Senate 361 A Russell Senate Office Building Washington, D.C. 20510-1702

February 25, 2005

Dear Senator Mc Connell,

I am writing to you for help with a horrible pollution problem in our area. It is literally attacking with an unmerciful vengeance. The problem has been an existent one for over 25 years; however, recently it has become much, much worse.

It occurs on a regular basis during the night, and it affects my husband Richard, unmercifully. When the toxic fumes are emitted into the atmosphere, he begins terrible coughing bouts to the point that he can no longer breathe. There is, however, a respite on Sundays and holidays. If he naps during the day, which is rare because of his work schedule, he can sleep very peacefully. At long last, thanks to an article in the CINCINNATI ENQUIRER, December 11,2004, we have learned that we are not the only ones plagued by this persistent problem.

I am enclosing a copy of the article from the ENQUIRER, as well as copies of the letter I sent to the manager of the Lanxess Corporation in Addyston, Indiana and the one I sent to Ohio Citizen Action group. We also followed up my complaints with phone calls; however, we were told that the Lanxess Corporation is by the river in Indiana, the Ohio Citizen Action group deals with problems in Ohio, and that we are in Kentucky. My husband tried to explain that the winds blow west to east, crossing the river into Northern Kentucky, and of course they know no geographical boundaries. As a result, the pollution and toxic fumes are brought right into our home. I hope you can help us stop this menace. These fumes are slowing killing my husband!

Thank you so very much. I have appreciated so very much all of the help you have given us in the past. I hope to hear from you soon.

Sincerely.

Exple

Dear members of the Committee:

Enclosed is a copy of the letter I sent to Mr. Ken Perica at the Lanxess Corporation. This has become such a chronic situation, and I am very worried. My husband's bouts of coughing and inability to breathe are becoming a nightly occurrence except for the Sabbath and national holidays as I mentioned in my letter to Mr. Perica.

I hope that you will let me know what I can do to make a difference in this horrid situation. Something must be done immediately. This is like a cancer upon our entire area, and it just keeps growing larger. It is a killer! We in general and my husband in particular are innocent victims trapped in our own neighborhood.

I wish to play an active role in this push to retrieve our city! I would like to register a complaint everyday, except for the Sabbath and the national holidays. Please let me know the best and most effective way to do this.

Sincerely. .

Exp. le

Ken Perica Lanxess Corporation 356 Three Rivers Parkway Addyston, Ohio 45001-0039

Dear Mr. Perica,

I am writing to you concerning the article, "Neighbors Worry About Plant", that appeared in the ENQUIRER, December 11, 2004. We live in Erlanger, Kentucky where my husband is very affected by these toxic chemical fumes that are being released into the air. He is plagued with violent coughing, followed by an inability to get his breath. It is so very frightening, and it is growing worse. We have lived in Erlanger for almost 25 years, and this has been going on for several years; however, each year the bouts have become more frequent and much more vicious. This cannot continue! He is 61 years old, and his body will not have the stamina to last many more years of this continued abuse.

These "attacks" occur at night, when he is trying to sleep or just relax. They occur on a scheduled basis, which becomes rather obvious that it is from a toxic pollution rather than his system; e.g. the bouts occur at 1:00AM, or 1:15AM, 2:00AM, 2:15AM, 3:00 AM or 4:00AM. They never occur after 4:00 AM. He has no trouble resting during the day, when he has the opportunity to do so. He also is able to sleep with no problem on Sunday from 12:01AM—Midnight and national holidays. For this reason, it has become obvious to us as a family that this is a violent physical reaction to toxic pollution by a company that runs on a regular schedule. We all know that the body does not do that, nor do violent reactions such as these observe the Sabbath and national holidays. We have purchased six expensive air purifiers for the house, which have virtually little effect in alleviating this grave situation.

We have tried for years to locate the company which could possibly be polluting our air, and doing so when there is relative little monitoring done by authorities. For us there are no odors, no bothersome noises, but like a thief in the night this pollution is robbing my husband of his rest, of his breath, and violently eroding his life away. This destruction must come to an end! After reading the article and calculating our location in relation to your company, we believe we have indeed found the "culprit" and the precipitator of the problem. That is indeed the Lanxess Corporation. I would like to appeal to you, Mr. Perica to find an alternative for the toxic waste than the very air we must breathe to stay alive. It is so sad that our loved ones must die in the name of corporate production and profit!

Sincerely,

CAL NEWS

Kids show off science projects. **B3**

Pilots search for jobs in UPS. B6

demio@enquirer.com, (859)578-5555.

SATURDAY, DECEMBER 11, 2004

Neighbors worry about plant

Odors, pollution raise health questions

By Mike Rutledge and Dan Klenal Enquirer staff writers

ıty

at

ill

as ho**ugo**

HEBRON - Ron O'Brien kept complaining to the Bayer Corp. plastics plant across the Ohio River about an appoving mechanical groaning sound outside his Boone County home. Factory officials wondered what he was talking about.

"I called them and I talked to them, and they investigated." said O'Brien, who has this?" lived in the same home between Ky. 8 and the river for

noises continued for days.

understand and couldn't figure out how could it be, but the calls kept continuing and we kept investigating," said Ken Perica, of the Addyston plant, which now is owned by Bayer subsidiary Lanxess Corp. "Finally, one day he called and he left a voice mail to someone who works for me, and as he was leaving the message, he walked outside, and he said, 'Can you hear

Mystery solved.

nearly three decades. But the had some bearings that were parts, telephone headsets and launched a campaign that its nlant's manager.

worn, or some other mechan-"Initially, we didn't quite ical apparatus in the pump," said O'Brien.

Sounds aren't all that have irked residents in both Boone County and Ohio. In addition, odors and other pollution have raised questions about the plant for years. The plant's operators and an environmental watchdog group are united in asking that when people experience smells or other problems, they call the plant.

The 400-employee operatic pellets, which other facto-"It was a faulty pump that ries melt and mold into car when Ohio Citizen Action

other durable items.

Two years ago, the plant and its insurers spent about \$250,000 cleaning rust-colored spots from boats and cars, until Miami University professors discovered the culprit excrement from lace bugs, which feast on sycamore trees that grow near water, and enjoyed optimum weather in 2002.

Since July, the plant has increased efforts to track odors that settle in North Bend. tion turns chemicals into plas- Cleves, Sayler Park and northern Boone County. That's

TT . 1.



The Enquirer/Mike Nyers

Southwest Ohio coordinator. Ruth Breech, said has prompted people to send several thousand letters to the

There are a number of industries along U.S. 50, but the group's top suspect for smells is the Lanxess plant, which reported to Hamilton County it had legally released 1.6 million pounds of particulates and toxic chemicals last year. Those included 813,000 pounds of sulfur dioxide: 370,000 pounds of nitrogen oxide; 102,000 pounds of volatile organic chemicals, and 233,000 pounds of particulates.

Given the nearby pollution sources and unpredictable breezes along the river, tracking sources is difficult! Breech said.

See PLANT, Page B2

Tamia last

Plant: Odors and sounds bother neighbors

From Page B1

"I guess ultimately what it comes down to is we want to cut down on the I-don't-knows," Breech said. "You're talking about a chemical facility right across from kindergarten, first-graders and preschool kids."

She recently learned the plant accidentally released 1,200 pounds of acry onitrile and other chemicals into the air from Oct. 2-4, during the village's Oktoberfest. After the plant in 1999 leaked 371 pounds of acrylonitrile, Hamilton County issued a \$37,500 civil fine.

The plant reported the October release to the county, as required by law, but did not mention it to

neighbors or to her during subsequent meetings, Breech said. Perica said winds near the plant blew steadily toward the southeast during the release, but Breech suspects the acrylonitrile accounts for the unfamiliar she and others noted during the event.

Jean Owens, who lives on Sekitan Street, directly across U.S. 50 from the plant's entrance, said she said she has strong reactions to a distinctive "sweet" smell.

"It just turns me inside out," Owens said. "It's like I can't breathe and I can't move. I do move, but I'm just moving like someone who has something really wrong, like someone with cerebral palsy, or something like that. I can't explain it to

Report odd smells

To report strange odors or other potential poliution from the plastics plant in Addyston owned by Bayer subsidiary Lanxess Corp., call (513) 467-2400, answered around the clock every day, said Ken Perica, of the Addyston plant Perica is the plant's director of health, environment and safety.

you. It's just a horrible feeling, I know that."

Perica, the plant's director of health, environment and safety, said he wants to help untangle mysteries with Owens and others. It's dklepal@enquirer.com

easiest if they call the plant right away.

Employees can go to Sekitan Street or the school, he said: "Sometimes a calibrated nose can identify what that odor might be.'

Employees can then figure out which of several operations at the sprawling plant is emitting the odor, he said.

"We really do encourage people to call us if they smell something," Perica said. Breech also encourages people to call Lanxess, then her group and the Hamilton County Department of Environmental Services.

E-mail mrutledge@enquirer.com,



in I die pour

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

MAY 2 8 2005

The Honorable Mitch McConnell United States Senate SR-316 A Russell Senate Office Building Washington, D.C. 20510

Dear Senator McConnell:

Thank you for your March 29, 2005 letter to Mr. Charles Ingebretson on behalf of Ms. egarding her concerns that air pollutant emissions from the Lanxess Corporation facility located near her home in Erlanger, Kentucky. In her letter she points out that emissions from that facility may be adversely affecting her husband's respiratory health.

After inquiring about this facility, we found that the plant is located in Addyston, Ohio. We contacted Mr. Paul Koval with the Ohio Environmental Protection Agency concerning Ms. complaint. Mr. Koval stated that the Ohio EPA, in conjunction with the Hamilton County Department of Environmental Services Air Quality Program, plans to complete a review of recent accidental releases from the Lanxess facility and possible health effects resulting from those releases. The agencies also plan a review of the potential long-term health effects from that facility's air emissions. We requested Mr. Koval contact Ms. to discuss her concerns. I am also forwarding a copy of this letter to Mr. Bharat Mathur, the Acting Region 5 Administrator, with copies of the letters from you and Ms

If you have questions or need additional information, please contact me or Allison Wise of the EPA Region 4 Office of Congressional and Intergovernmental Relations at (404) 562-8327.

Sincerely.

J. I. Palmer, Jr.

Regional Administrator

cc: Bharat Mathur, Acting Regional Administrator, EPA Region 5 w/ enclosures
Joe Koncelik, Ohio Environmental Protection Agency w/ enclosures

MITCH McCONNELL

361-A RUSSELL SENATE OFFICE BUILDING WASHINGTON, DC 20510-1702 (202) 224-2541

UG -060-2352 United States Senate

MAJORITY WHIP COMMITTEES

AGRICULTURE

APPROPRIATIONS SUBCOMMITTEE ON FOREIGN OPERATIONS

RULES AND ADMINISTRATION

January 31, 2006

The Honorable Stephen Johnson Administrator Environmental Protection Agency 1200 Pennsylvania Avenue, NW Washington, D.C. 20460-0001

Dear Administrator Johnson:

I am writing on behalf of a constituent who has contacted me regarding automotive paint materials and VOC emissions. I would appreciate your review and response to my constituent's concerns.

I have enclosed a copy of my constituent's correspondence, for your information. Please direct any inquiries and all relevant information to Pam Simpson in my Washington, D.C. office.

Thank you for your time and assistance. I will look forward to receiving your response.

Sincerely,

MITCH McCONNELL

UNITED STATES SENATOR

MM/PS

There is a proposal to ban the sale of automotive paint materials to automotive hobbists based on reducing VOC emissions. The level of VOC emissions has been greatly reduced due to the improvement of paint formulas during the past 15-20 years. This is nothing more than an over-reaction by the EPA and an appearement of a special interest group to prevent the old car hobbists from painting their own vehicles. This may very well kill, at least greatly hinder, the hobby of restoring old cars. It will make the refinishing costs prohibitive for the average hobbists by forcing them to have an automobile body shop do the repainting & body work. The refinishing step is the most costly part of restoring an old car. Even more costly than having engines, transmissions & drivetrain components rebuilt.

Please vote against this attempt to take away yet another one of our freedoms.

My sincere thanks,

Leroy S. Comstock

EXI



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY WASHINGTON, D.C. 20460

MAR 1 4 2006

OFFICE OF AIR AND RADIATION

The Honorable Mitch McConnell United States Senate Washington, DC 20510

Dear Senator McConnell:

Thank you for your letter of January 31, 2006 on behalf of your constituent, Mr. regarding air emission standards for autobody refinishing. Mr. cexpressed concern about regulations that may impose restrictions on automotive restoration nobbyists.

Under the Clean Air Act Area Source Program (section 112(k)), the Environmental Protection Agency (EPA) was required to develop a list of categories that significantly contributed to emissions of hazardous air pollutants in urban areas. In 1999, we published the final list of 70 area source categories. Auto Refinishing Shops, of which there are an estimated 80,000 across the nation, was one of those listed categories. Based on our current understanding of hobbyist activity and our statutory requirements to address this area source category, we do not intend to subject hobbyist activities to regulation when we propose regulations for auto refinishing shops.

We do not believe that emissions from automotive restoration hobbyists comprise a significant portion of emissions from auto refinishing activities, nor do we believe that activities of automotive restoration hobbyists significantly affect national air quality. We are pleased nonetheless to discover that some of the pollution control measures and equipment being considered as part of a future proposed rule for auto refinishing shops are currently being used by many hobbyists, and we applaud these efforts.

As part of our information gathering activities to support any action we may take, we are requesting input from all interested parties. We have received information from a variety of different sources, including restoration hobbyists, and are interested in continuing our collaborative efforts.

Again, thank you for your letter. If you have further questions, please contact me, or your staff may contact Diann Frantz, in EPA's Office of Congressional and Intergovernmental Relations, at (202) 564-3668.

Sincerely,

William L. Wehrum

Acting Assistant Administrator

MITCH MCCONNELL

361-A RUSSELL SENATE OFFICE BUILDING WASHINGTON, DC 20510-1702 (202) 224-2541 06-060-7933

United States Senate

MAJORITY WHIP

committees
AGRICULTURE

APPROPRIATIONS
SUBCOMMITTEE ON FOREIGN OPERATIONS

RULES AND ADMINISTRATION

May 11, 2006

The Honorable Stephen L. Johnson Administrator U.S. Environmental Protection Agency 1200 Pennsylvania Ave, NW Washington, D.C. 20460

Dear Administrator Johnson:

I was recently made aware that on January 17, 2006 EPA issued a Notice of Violation to East Kentucky Power Cooperative alleging a technical violation of the Acid Rain Program. I would appreciate a member of your staff providing a briefing on this matter to Allison Thompson of my staff.

Thank you for your cooperation with this request.

Sincerely,

MITCH MCCONNELL UNITED STATES SENATOR

MM/aat



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY WASHINGTON, D.C. 20460

JUN 2 2 2006

ASSISTANT ADMINISTRATOR FOR ENFORCEMENT AND COMPLIANCE ASSURANCE

The Honorable Mitch McConnell United States Senate Washington, DC 20510-1702

Dear Senator McConnell:

Thank you for your letter of May 11, 2006, regarding East Kentucky Power Cooperative and the Notice of Violation issued by the Environmental Protection Agency alleging violations of the Clean Air Act's Acid Rain Program. As requested, my staff provided a briefing on this matter to Allison Thompson of your staff on Wednesday, May 31, 2006. We hope the information provided to Ms. Thompson was helpful.

Again, thank you for your letter. If you have further questions, please contact me, or your staff may contact Carolyn Levine in EPA's Office of Congressional and Intergovernmental Relations at (202) 564-1859.

Sincerely,

Granta Y. Nakayama

anta J. Makayana

MITCH McCONNELL KENTUCKY

361-A RUSSELL SENATE OFFICE BUILDING WASHINGTON, DC 20510-1702 (202) 224-2541 り 7-180-1722 United States Senate

REPUBLICAN LEADER

COMMITTEES

AGRICULTURE

APPROPRIATIONS

RULES AND ADMINISTRATION

April 19, 2007

The Honorable Stephen Johnson Administrator Environmental Protection Agency 1200 Pennsylvania Avenue, NW Washington, D.C. 20460-0001

Dear Administrator Johnson:

I am writing on behalf of a constituent, Mrs. Leslee Pelphrey, who has contacted me regarding your response to my letter on her behalf.

Because Mrs. Pelphrey has several concerns about your response, I have enclosed a copy of my constituent's most recent correspondence, and I would appreciate your review and response to her questions and concerns. Please direct any inquiries and all relevant information to Pam Simpson in my Washington, D.C. office.

Thank you for your time and assistance. I will look forward to receiving your response.

Sincerely,

MITCH McCONNELL

UNITED STATES SENATOR

MM/PS

Dear Senator McConnell,

Thank you so much for your response and information in regards to the Martha Oil Field. The residents of our area have a tremendous burden and hardship due to the radioactive contamination on our properties. This has caused us a loss in property value because we cannot sell as area banks will not loan money, a fear of raising livestock and produce for food and still residents that have drilled wells or cistern water that is contaminated.

I would like to inform you of factual information in regards to the U.S. EPA letter that you forwarded on to me.

First, the EPA HAS NOT overseen remediation activities in our area. "If they have as they say, Why is there still radiated pipes, open oil pits and buried pits on our properties?" Why has property been released as clean and released for regular use with radiation still on the properties? We have a document obtained from U.S. EPA with a F.O.I.A. request from Atlanta Georgia that states the oil pits listed on the farm owned by one of our members was removed and reclaimed in November 1989. The oil pits are still there on the property and anyone can see them. We cannot understand why Ashland Inc has not been fined for breaking both State and Federal pollution laws now in place.

Why, after ten years is the TEMPORARY storage pit still in our area and the EPA cannot tell us how long temporary is? Why (by law) was this not published in local newspapers and the public notified for input for the installation of the storage pit? Why was the storage pit not installed by regulation of two liners with sand and monitoring devises between the liners? Why was Ashland Inc allowed to doze in pipe, when contaminated soil was all that was to be in the storage pit?

These questions still remain unanswered by the U.S. EPA and have been asked of them many times with no response. We have begged them to come to our area and let us show them these locations. They responded to us that they do not have the money to send a field inspector. With this said, How have they had the money to oversee the remediation activities in our area since 1992?

I spoke with the Morehead, Kentucky office some time back and was told that they (U.S. EPA) was taking Ashland Incorporated's readings on the storage pit and the fresh water monitoring wells and the U.S. EPA made then install. Why would you fine a company for polluting an area and then take their word on the readings? Would you send any bad reports in, especially if the EPA were not checking?

It is true that area residents have refused to let Ashland Inc on our properties. This only occurred after Ashland Inc has worked for 10 years on our properties and has created a bigger mess than if they had never touched it to start with. We refused to let them back on our properties after finding the radiated pipes, open pits, and buried pits on our properties, that Ashland Inc stated they had cleaned up.

This is the current situation we have and no one will address Ashland Inc for their wrong doings. No one will take us serious and come see for themselves that what we say is true. What does Ashland Inc have over State and Federal government agencies that they cannot be touched?

We just want a safe place to live and raise our families as others in the United States and the Commonwealth of Kentucky enjoy.

Your assistance is greatly appreciated and we hope it will continue until this matter can be resolved for what is just and fair for the residents of the Martha Oil Field.

I eagerly await your response to this priority matter.

Thank You,

Leslee G. Pelphrey ROAR Group (Radiation On Area Residents), assistant manager



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

JUN 5 2007

The Honorable Mitch McConnell United States Senate Washington, DC 20510-1702

Dear Senator McConnell:

Thank you for your April 19, 2007, letter requesting additional information regarding Ms. Leslee Pelphrey's concerns about Ashland Inc.'s Martha Oil Field.

The United States Environmental Protection Agency (EPA), Region 4, is currently gathering information to provide you and Ms. Pelphrey with as detailed a response as possible. We hope to have a more responsive answer within two weeks.

We appreciate your interest in this matter and if you have questions or need additional information from EPA, please contact me or the Region 4 Office of Congressional and Intergovernmental Relations at (404) 562-8327.

Sincerely,

Allison R. Wise, Director Office of Congressional and Intergovernmental Relations 117-001-9255

MITCH McCONNELL Kenne

JOS-A RUSSELL SENATE OFFICE BUILDING Washing DC 20510 1702 (207) 224 2541

United States Senate

HEPUBLICAN LEADER

CUMM-1185-AGRICULTURE

APPHOPRIATIONS

RULES AND ADMINISTRATION

December 3, 2007

The Honorable Stephen L. Johnson Administrator U.S. Environmental Protection Agency Ariel Rios North MC1301A 1200 Pennsylvania Avenue, N.W. Washington, D.C. 20460

Dear Administrator Johnson:

EXPL It has come to my attention that an individual within your agency, Ms. being considered by your National Homeland Security Research Center in Cincinnati for an Intergovernmental Personnel Agreement (IPA) with the Chemical Weapons Working Group (CWWG), located in Berea, Kentucky.

I have worked with the CWWG and its Director for more than twenty years. The CWWG has done tremendous work in the local community and nationwide in promoting the safe and efficient disposal of the U.S. chemical weapons stockpile. In fact, the director of the organization recently won the Goldman Prize for excellence in protecting the environment. In light of the highly effective work CWWG does. I suspect that and for your working at the organization would be a great benefit both for Ms. agency.

In light of the above, I would ask that you give every appropriate consideration to expediting review of the IPA.

Sincerely,

MITCH McCONNELL

UNITED STATES SENATOR



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

JAN 1 5 2008

OFFICE OF RESEARCH AND DEVELOPMENT

The Honorable Mitch McConnell United States Senator SR-361A Russell Senate Office Building Washington, D.C. 20510

Dear Senator McConnell:

Thank you for your December 3, 2007, letter endorsing the Chemical Weapons Working Group (CWWG) as a potential entity for an Intergovernmental Personnel Act (IPA) assignment with our National Homeland Security Research Center (NHSRC) in our Office of Research and Development (ORD). We are aware of the efforts of CWWG as well as the accomplishments of its Director, Mr. Craig Williams.

It is my understanding that CWWG has applied for Environmental Protection Agency (EPA) certification to participate in the IPA program. Once such certification is obtained, CWWG will be given our full consideration in negotiating an assignment of mutual benefit to both EPA and CWWG.

We appreciate your interest in our programs leading toward a cleaner and safer environment. Again, thank you for your letter. If you have further questions contact me or your staff may call Ettrina Vanzego, in EPA's Office of Congressional and Intergovernmental Relations, at 202-564-2792.

Best regards.

George Gray

Assistant Administrator

MITCH McCONNELL KENTUCKY

317 RUSSELL SENATE OFFICE BUILDING

WASHINGTON, DC 20510-1702 (202) 224-2541

11-000-8683

REPUBLICAN LEADER

COMMITTEES: AGRICULTURE

APPROPRIATIONS RULES AND ADMINISTRATION

United States Senate

May 18, 2011

The Honorable Lisa Jackson Administrator **Environmental Protection Agency** 1200 Pennsylvania Avenue NW Washington, D.C. 20460

Dear Administrator Jackson:

I am writing to you on behalf of one of my constituents, Mr. Karl H. Watson, Jr., President of CEMEX. Mr. Watson has expressed his concern about the Environmental Protection Agency's National Emission Standards for Hazardous Air Pollutants (NESHAP) for cement kilns. 1 would appreciate your review and response to my constituent's questions and concerns.

I have enclosed a copy of my constituent's correspondence for your information. Please direct any inquiries and all relevant information to Chris Carson in my Washington, D.C. office.

Thank you for your time and assistance. I will look forward to receiving your response.

Sincerely,

MITCH McCONNELL

UNITED STATES SENATOR

MM/cc



May 9, 2011

12 MAY 16 AM 3: 48

The Hon. Mitch McConnell United States Senate 361-A Russell Senate Office Building Washington, D.C. 20510

Dear Senator McConnell:

I am writing to convey my deep concern about the Environmental Protection Agency's (EPA) National Emission Standards for Hazardous Air Pollutants (NESHAP) for cement kilns that were finalized on September 9, 2010. These regulations could force the closure of nearly 20% of domestic cement manufacturing capacity within the next two years.

The U.S. cement industry is suffering through its greatest decline since the 1930s. Yet, EPA's NESHAP rule will impose \$3.4 billion in new costs on the U.S. cement industry, which currently generates a mere \$6.5 billion in annual revenues. The Portland Cement Association (PCA) has conducted a study showing that the NESHAP final rule places 1,800 high-wage jobs at risk, and could cause a loss of up to 9 million tons of domestic production capacity.

I am particularly concerned about the impact of the NESHAP rule on CEMEX's "Kosmos" plant, which has been in continuous operation in Louisville for over 105 years. Kosmos is the only cement plant in Kentucky and has a production design capacity of 1.7 million tons of Portland and Masonry cement per year for use in construction projects throughout Kentucky and surrounding states. The plant employs approximately 160 local men and women and numerous contractors in the Louisville Area, providing a payroll of more than \$12 million a year and additional taxes and regulatory fees to the Commonwealth.

CEMEX does not oppose the regulation of emissions and, the company has a long history of working with EPA to develop standards that protect human health and the environment. However, EPA's NESHAP regulations are prohibitively costly, ill-timed and will be devastating to the industry. The U.S. cement industry deserves the opportunity to recover from the current recession and work with EPA to craft a more reasonable rule.

My staff has been working with Josh Holmes, and Neil Chatterjee in your office to identify options that will moderate or delay the implementation of the NESHAP. We are hopeful that appropriate relief can be acted upon soon.

Thank you for your leadership on this very critical issue.

President

United States Operations

920 Memorial City Way Suite 100, Houston, TX 77024 USA, (713) 550-6200



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

JUN 2 7 2011

The Honorable Mitch McConnell United States Senate Washington D.C. 20510

OFFICE OF AIR AND RADIATION

Dear Senator McConnell:

Thank you for your letter of May 18, 2011, to Administrator Jackson, concerning the U.S. Environmental Protection Agency's amendments to the National Emission Standards for Hazardous Air Pollutants (NESHAP) for the Portland Cement Manufacturing Industry. In this letter, you forwarded comments from one of your constituents, Mr. Karl Watson.

We appreciate your sharing these concerns with us. I would like to assure you that, in crafting these final amendments, we carefully considered comments and information from the cement industry and, as a result, made changes to the final emission limits relative to the proposed limits. The emission limits in the final rule are consistent with the requirements of the Clean Air Act.

We are aware of the current economic climate and, to the extent allowed by law, we did take this into account in setting the final standards. Our estimate of the actual costs that will be borne by the cement industry is less than \$470 million on an annualized basis. Our regulatory impact analysis of these amendments indicated that the employment impacts of the final amendments could range from 600 job losses to 1,300 job gains in the cement industry alone. However, these estimates do not include the job gains in other industry sectors resulting from the requirement to purchase and install control equipment to comply with the requirements of this regulation. The timing of the NESHAP was based on a settlement agreement among interested States, environmental groups, and the cement industry under which the Environmental Protection Agency (EPA) would sign a final rule by August 6, 2010.

Our analysis of the rule shows that, when combined with the New Source Performance Standards for Portland Cement Manufacturing, the public health benefits of the two rules are expected to significantly outweigh costs, yielding an estimated \$7 to \$19 in public health benefits for every dollar in costs. EPA estimates benefits of these rules will range from \$6.7 billion to \$18 billion annually in 2013, as a result of reductions in fine particle pollution. This includes the value of avoiding 960 to 2,500 premature deaths in people with heart disease.

We are continuing our dialogue with the Portland Cement Industry on this rulemaking. I have met several times with representatives of the cement industry to discuss their concerns. In addition, the EPA recently published a *Federal Register* notice in which we agreed to reconsider certain aspects of the rule. This reconsideration will address some of the concerns raised by the cement industry on the final rule.

Again, thank you for your letter. If you have any questions, please contact me or your staff may call Patricia Haman in EPA's Office of Congressional and Intergovernmental Relations at 202-564-2806.

Sincerely,

ina McCarthy

Assistant Administrator

05-001-8422

United States Senate

WASHINGTON, DC 20510

December 2, 2005

The Honorable Stephen L. Johnson Administrator The Environmental Protection Agency Ariel Rios Building 1200 Pennsylvania Ave. NW Washington, D.C. 20460

Dear Mr. Johnson:

We write to urge you to divide fiscal year 2006 Environmental Finance Center Network funds equally among the nine existing Environmental Finance Centers (EFCs).

In years past, each EFC has received an equal portion of federal funding in order to do its work. With the support of the Environmental Protection Agency's (EPA) Office of the Chief Financial Officer, the EPA Environmental Finance Team (EFT), and the EPA regions, the EFCs have collaborated on numerous projects and have leveraged their annual funding, generating over four times the volume of funds in additional resources to the amount provided in the base EFC funding.

In the past, the House and Senate Appropriations Committees have included specific language specifying that federal funding should go to existing EFCs. While such language was not included in the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2006, we believe continuing to direct federal funds to existing EFCs is the best approach.

In order to continue the EFC collaborations that have developed over the years and have provided great returns on EPA's EFC investment, we urge you to provide funding to the existing EFCs with fiscal year 2006 funds. We believe the EFC network will be undermined if the existing centers are required to compete with each other or with different universities for federal funds.

Thank you for your attention to this request. Should you have any questions, please feel free to contact us.

Sincerely,

Pete V. Domenici

Before a. Thebather

Barbara A. Mikulski

Larry E. Craig

Mike DeWine

Mitch McConnell

Witch McConnell

M. Collins



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY WASHINGTON, D.C. 20460

DEC 2 9 2005

OFFICE OF THE CHIEF FINANCIAL OFFICER

The Honorable Mitch McConnell United States Senate Washington, D.C. 20510

Dear Senator McConnell:

Thank you for your letter dated December 2, 2005 asking the Agency to continue its practice of exempting the Environmental Finance Center (EFC) Network from grants competition requirements and allowing the funds to be divided equally between the nine existing EFCs. Administrator Johnson has asked me to reply since the Office of the Chief Financial Officer provides the support for this program.

I am pleased to inform you that after carefully considering your letter, the Agency has concluded that the awards to the Environmental Finance Centers are exempt from competition under the Agency's Grants Competition Policy. The EFCs will be funded in FY 2006 at the same level as in FY 2005, pending additional across the board reductions. Divided equally among the nine Centers, the FY 2006 funding will allow the EFCs to continue to provide creative financing solutions to the real-world challenges faced by both the public and private sectors to promote a sustainable environment.

I hope this addresses your concerns and appreciate your expression of support for this excellent program. If you have any questions or would like additional information, please do not hesitate to contact me.

Best wisnes,

Lyons Grav

Chief Financial Officer

MITCH McCONNELL KENTUCKY

361-A Russell Senate Office Building Washington, DC 20510-1702 (202) 224-2541 06-001-7444

United States Senate

MAJORITY WHIP

committees

AGRICULTURE

APPROPRIATIONS
SUBCOMMITTEE ON FOREIGN OPERATIONS

RULES AND ADMINISTRATION

October 13, 2006

The Honorable Stephen Johnson Administrator Environmental Protection Agency 1200 Pennsylvania Avenue, NW Washington, D.C. 20460-0001

Dear Administrator Johnson:

I am writing on behalf of a constituent who has contacted me regarding an apparent pollution problem in Northern Kentucky caused by a corporation located in Ohio. I would appreciate your review and response to my constituent's questions and concerns.

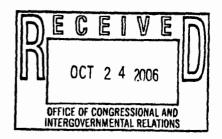
I have enclosed a copy of my constituent's correspondence, for your information. Please direct any inquiries and all relevant information to Pam Simpson in my Washington, D.C. office.

Thank you for your time and assistance. I will look forward to receiving your response.

Sincerely.

MITCH McCONNELL UNITED STATES SENATOR

MM/PS



The Honorable Mitch Mc Connell United States Senate 361 A Russell Senate Office Building Washington, D.C. 20510-1702

Dear Senator Mc Connell,

I am writing to thank you so much for your help, with our apparent continuous pollution problem from the Lanxess Corporation, in Addyston, Ohio. Mr. Waggoner of the Federal EPA office and Mr. Koval of the Ohio EPA office were most helpful in 2005. In fact, Mr. Koval's independent tests, presented to the city of Addyston in December 2005, showed that the emissions from Lanxess were 50 times more than what is permissible.

However, despite the promised renovations and replacement of some antiquated equipment, Lanxess continues to violate what was to be their "Good Neighbor Policy". In fact, their pollution seems to be worse. During these emissions which usually occur between midnight and 3:30 AM, my husband, Richard, suffers intense coughing and struggles for every breath. It is very frightening, and this makes it very hard on all of us to get any quality sleep, especially since it is during the work week.

Because our house in Erlanger is eleven miles east and across the river, we are the recipients of most of this pollution, as that is the usual direction of the wind. When it storms. Lanxess seems to profit even more from the heavy rain and strong winds. It is becoming almost unbearable. Several areas, near Lanxess, have been given canisters in which they can entrap some of the air. Those that have had the air analyzed have found heavy concentrations of Butadiene, Acrolonitrile, and Styrene. We have been working very closely with the Ohio Citizen Action organization under the leadership of Ruth Breech. However, it was pointed out that not only do we live in Kentucky, but Kentucky does not even have an EPA representative in this area. As a result, there is not much we can do to combat the problem. We do have a nice respite from the pollution when we go on vacation or on Federal holidays. The fourth of July, for example, was wonderful.

We would appreciate any help that you could give us in this horrible situation, and we are so appreciative of all that you have done for us. Thank you so very much, and I hope to hear from you soon.

Sincerely, Exp. U



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5 77 WEST JACKSON BOULEVARD CHICAGO, IL 60604-3590

NOV - 7 2006

REPLY TO THE ATTENTION OF

(R-19J)

Honorable Mitch McConnell United States Senate Washington, DC 20510

Dear Senator McConnell:

Thank you for your letter of October 13, 2006, regarding an apparent pollution problem in Northern Kentucky believed to be caused by Lanxess Corporation in Addyston, Ohio. United States Environmental Protection Agency (U.S. EPA) also received a copy of the complaint submitted to you by Ms.

in which she explains how she thinks pollution from Lanxess is impacting her and her husband.

U.S. EPA Region 5 in Chicago, Illinois, is responsible for oversight of the Lanxess facility in Addyston and has devoted significant resources to investigating it. U.S. EPA performed a thorough inspection in September 2005 that reviewed Lanxess' compliance with all environmental regulations – air, water, and waste. As a result of this inspection, U.S. EPA found Lanxess to be in violation and in June 2006 cited them for improperly operating the flare control device and failing to properly inspect and operate piping systems to reduce leaks. U.S. EPA is currently collecting the data necessary to proceed with enforcement actions that will bring Lanxess into compliance.

Simultaneously, Ohio EPA focused on the facility. In December 2005, Ohio EPA issued a Director's Findings and Orders that required Lanxess to investigate its operations and reduce emissions. On October 19, 2006, the Environmental Review Appeals Commission for Ohio essentially vacated the Finding and Orders rendering them ineffective and remanded them back to the Ohio EPA. Ohio EPA is currently planning its response.

Nonetheless, Lanxess has taken steps to reduce emissions from its facility in recent months. It covered its flare sump, which was the source of fugitive emissions. It also modified the operation of the flare itself. These changes, and several others, have reduced the amount of pollution being emitted into the air.

Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Mary Canavan or Phil Hoffman, the Region 5 Congressional Liaisons.

Sincerely,

Mary A. Gade

Regional Administrator

MITCH MCCONNELL KENTUCKY

361-A RUSSELL SENATE OFFICE BUILDING WASHINGTON, DC 20510-1702 (202) 224-2541 06-002-0435

MAJORITY WHIP COMMITTEES AGRICULTURE

APPROPRIATIONS
SUBCOMMITTEE ON FOREIGN OPERATIONS

RULES AND ADMINISTRATION

United States Senate

December 6, 2006

The Honorable Stephen Johnson Administrator Environmental Protection Agency 1200 Pennsylvania Avenue, NW Washington, D.C. 20460-0001

Dear Administrator Johnson:

I am writing on behalf of a constituent who has contacted me regarding radioactive contamination in Keaton, Kentucky. I would appreciate your review and response to my constituent's concerns.

I have enclosed a copy of my constituent's correspondence, for your information. Please direct any inquiries and all relevant information to Pam Simpson in my Washington, D.C. office.

Thank you for your time and assistance. I will look forward to receiving your response.

Sincerely,

MITCH McCONNELL

UNITED STATES SENATOR

MM/PS

42.0

From:

Date: 9/26/2006 9:48:56 PM

To: webmail@mcconnell-iq.senate.gov Subject: Radioactive Contamination

I would like to know your stance on Radioactive contamination that has affected our water, food sources, wildlife and our lives for 30 plus years. This was caused by Ashland Inc in their water flooding project to this area. We the citizen's of Johnson and Lawrence counties ask you to respond to your position on this matter as you are a strong voice about the pride program.

I feel this is more important and should be considered a priority as many citizens are directly affected and many more are being, as it moves to unsuspecting locations by water, air and wildlife.

Your immediate response is requested as no one so far has took the time to seriously address our concerns for our lives and the lives of future generations.

Thank You,

9X1.6



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

DEC 2 9 2006

The Honorable Mitch McConnell Member, United States Senate 361-A Russell Senate Office Building Washington, DC 20510-1702

Dear Senator McConnell:

Thank you for your December 6, 2006, letter to Stephen Johnson, Administrator of the U.S. Environmental Protection Agency (EPA), on behalf of Ms. Typ. (a regarding her concerns with the Martha Field reclamation efforts being conducted by Ashland Exploration, Inc. (Ashland). In her September 26, 2006, electronic mail correspondence, Ms. asserts that no one has taken the time to seriously address the concerns of the people of eastern Kentucky regarding radioactive contamination from oil production activities.

EPA has overseen remediation activities at the Martha Oilfield site under the terms of the Administrative Order on Consent (AOC) since 1992. These activities predominantly address the cleanup of petroleum contaminated soils, oil pits, and piping associated with former oil drilling and exploration. The Cabinet for Health and Family Services (CHFS), Radiation Health Branch has responsibility for addressing potential contamination from naturally occurring radioactive material (NORM). If Ms would like more information on NORM remediation, she may contact Mr. Dewey Crawford, Manager, CHFS Radiation Health Branch. For your reference, I am enclosing a recent CHFS progress report regarding remediation activities at the Martha Oil Field.

Cognizant agencies have taken several steps this year to further address residents' concerns. In April, a community group representing Martha Oilfield residents, Radiation on Area Residents (ROAR), attended a community meeting to voice their concerns. Representatives of the Kentucky Cabinet for Health and Family Services (CHFS), Radiation Health Branch and the Agency for Toxic Substances and Disease Registry (ATSDR) were present to hear these concerns. The meeting focused on clarifying and explaining the roles and responsibilities of agencies involved in the identification and remediation of NORM. At the conclusion of the meeting, I understand ROAR representatives were satisfied with the direction and level of effort being put forth to address community concerns.

In August, a health fair was held in the community. Additionally, residents of the Martha Community received letters requesting that personnel from the CHFS Radiation Control Branch, and Ashland, as well as a radiation expert (representing the residents) be given access to specific properties (where access has been previously denied) to complete a radiation survey as a prelude to remediation. In December, EPA staff met with CHFS representatives to discuss future joint radiation surveying and sampling on properties in the Martha Oilfield.

In closing, EPA and the Commonwealth of Kentucky continue to take appropriate actions to address contamination in the Martha Oil Field. If area residents have information to substantiate noncompliance with the AOC, we are willing to further investigate such noncompliance. If you have questions or need additional information, please contact me or the Region 4 Office of Congressional and Intergovernmental Relations at (404) 562-8327.

Sincerely,

J. I. Palmer, Jr.

Regional Administrator

Enclosure

cc: Mark D. Birdwhitsell, Secretary, CHFS

MITCH McCONNELL KENTUCKY

381-A RUBBELL SENATE OFFICE BUILDING WASHINGTON, DC 20510-1702 (202) 224-2541 17-001-6347

United States Senate

REPUBLICAN LEADER

COMMITTEES.

AGRICULTURE

APPROPRIATIONS

RULES AND ADMINISTRATION

October 1, 2007

The Honorable Stephen Johnson Administrator Environmental Protection Agency 1200 Pennsylvania Avenue, NW Washington, D.C. 20460-0001

Dear Administrator Johnson:

I write on behalf of one of my constituents, Fleming County Judge Executive Larry H. Foxworthy. Judge Foxworthy is concerned about clean-up and security activities at the Maxey Flats Low-Level Radioactive Waste Site in Fleming County, Kentucky.

Enclosed with this letter you will find a copy of Judge Foxworthy's letter. Please enquire into this matter, and I look forward to your prompt reply.

Thank you for taking the time to address this concern.

Sincerely,

MITCH'McCONNELL

UNITED STATES SENATOR

MM/cc

FLEMING COUNTY JUDGE EXECUTIVE

LARRY H. FOXWORTHY



201 COURT SQUARE FLEMINGSEURG, KY 41041

> Phone: 606-845-8801 Fax: 606-845-1312

July 8, 2007

Senator Mitch McConnell 361-A Russell Senate Office Building Washington, DC 20510

Re:

Maxey Flats Radioactive Waste Site Fleming County, Kentucky

Senator McConnell.

Since my tenure as County Judge Executive for Fleming County, I strive to understand the complexity of the state of affairs revolving around the Maxey Flats Nuclear Waste Site located in Fleming County. Over the past 28 years, Fleming Countians have expressed tremendous apprehension regarding the site and its potential to have a catastrophic effect to our county's citizens, waterways and land.

From 1963 to 1977, the State, under authorities granted by the U.S. Government, licensed private operators to dispose of radioactive wastes from military ships and facilities, hospitals, universities, corporations, etc.; an estimated five million cubic feet of materials were disposed in our county. The initial clean up notification was brought to the attention of the EPA in late 1979. Chemical substances have been identified as contaminants of concern (COC) for the Maxey Flats Site. The EPA has determined that the COC's found at Maxey Flats pose an unacceptable risk to human health or the environment. Uranium, Cyanide, Lead, Mercury, Arsenic, Barium are just to name a few of the COC's identified by EPA. Investigational studies and clean up activities have been conducted since 1987. The first Five-Year Review of the site was complete in September 2002 and the next is scheduled for September 2007. The potential threat of further contamination is of great concern.

I would like to formally submit a request for an additional assessment by the federal government, preferably an unbiased, outside party to investigate and offer a second opinion regarding the Maxey Flats Site's current status and any recommendations deemed necessary to inhibit any future defilement. I have enclosed a copy of the recent investigational response from the Environmental Quality Commission dated July 11, 2007 for your information.

I strongly believe that over the many years this issue seems to be falling through the crack of bureaucracy and needs to be addressed from a different perspective. It will be only a matter of time before our county will be facing inevitable consequences. I would greatly appreciate any and all consideration given to the requested federal assistance. Please do not hesitate to contact me if you should have any questions or concerns.

Larry H. Foxworthy

11.

Fleming County Judge Executive

Kentucký ?



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

OCT 2 3 2007

The Honorable Mitch McConnell United States Senate 361-A Russell Senate Office Building Washington, D.C. 20510-1702

Dear Senator McConnell:

Thank you for your October 1, 2007, letter to Stephen Johnson, Administrator of the U.S. Environmental Protection Agency (EPA), on behalf of Fleming County Judge Executive Larry H. Foxworthy concerning clean-up and security activities at the Maxey Flats Low-Level Radioactive Waste Site. Your letter was forwarded to me for a response.

As Judge Foxworthy noted, the Maxey Flats Disposal Site (MFDS) is an inactive low-level radioactive waste site owned by the Commonwealth of Kentucky. Under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), commonly known as Superfund, EPA negotiated an agreement with a large number of Potentially Responsible Parties (PRPs), including the Commonwealth of Kentucky, to investigate and clean up contamination at the disposal facility. The PRPs completed installation of interim stabilization measures, including an interim cap. The remedy selected at the MFDS is natural stabilization, which will allow the materials in the disposal area to degrade naturally to a stable condition prior to installation of a final engineered cap. Natural stabilization was predicted to take 35 to 100 years, but based on recent data, stabilization may be complete in a much shorter time period, allowing for final cap placement in the near future.

EPA has conducted two 5-year reviews of the remedy at the MFDS. Five-year reviews are performed to ensure that human health and the environment are being protected by the remedial action. As part of the second 5-year review, completed in September 2007, all monitoring data were reviewed, the site was inspected, and interviews with residents, local officials, and operation and maintenance personnel were conducted. The remedy was determined to be functioning as intended by EPA's Record of Decision. There have been no changes to the physical conditions of the site that would affect the protectiveness of the remedy, and there is no other information available that calls into question the protectiveness of that remedy.

EPA will make the Second Five-Year Review Report available to the public at the Fleming County Library this month. We will advertise the availability of the report in several local newspapers. If community members are interested in a meeting to discuss the report, EPA will arrange a meeting before the end of the year.

EPA is aware that some local officials have expressed concern about security at the facility. The Kentucky Community Preparedness Program assessed the vulnerability of the MFDS in 2005. The report provided several recommendations, many of which have already been implemented. We certainly do not object to the Commonwealth of Kentucky implementing any recommendations it considers necessary to protect citizens at the site.

I would also point out that the waste disposal area at the MFDS is surrounded by a 6-foot high security fence and a 464-acre wooded buffer zone. The entrance to the facility is monitored by security cameras, motion sensors, and electronic gate entrance equipment installed through a homeland security grant, as requested by Judge Foxworthy. The MFDS is also monitored during business hours, Monday through Friday, by personnel from the Kentucky Department for Environmental Protection. As far as we know, there has never been a security incident at the facility that would warrant our intervention to require additional security measures.

Regarding the July 11, 2007, investigation response from the Environmental Quality Commission, EPA does not have any specific concerns about the responses provided by KDEP. We believe that issues are being addressed at the site and no additional actions are warranted at this time.

If you have any questions or need additional information from EPA, please contact me or the Region 4 Office of Congressional and Intergovernmental Relations at (404) 562-8327.

Sincerely,

J. I. Palmer, Jr.

Regional Administrator

cc: Teresa Hill, Secretary

Environment and Public Protection Cabinet

Cheryl Taylor, Commissioner, KDEP

68-000-7434

MITCH MCCONNELL

361-A RUSSELL BENATE OPPICE BUILDING WASHINGTON, DC 20510-1702 (202) 224-2641

United States Senate

REPUBLICAN LEADER

COMMITTEES:

AGRICULTURE

APPROPRIATIONS

RULES AND ADMINISTRATION

June 2, 2008

The Honorable Stephen Johnson Administrator Environmental Protection Agency 1200 Pennsylvania Avenue, NW Washington, D.C. 20460-0001

Dear Administrator Johnson:

I write on behalf of Miles Enterprises, who has applied for a Section 18 Crisis Exemption label for Regione. I would appreciate your review and response to my constituent's questions and concerns.

I have enclosed a copy of my constituent's correspondence, for your information. Please direct any inquiries and all relevant information to Allison Thompson in my Washington, D.C. office.

Thank you for your time and assistance. I will look forward to receiving your response.

Sincerely.

MITCH McCONNELL

UNITED STATES SENATOR

MM/at



Miles Enterprises

Dear Senator McConnell,

I would like to take this opportunity to update you on our company activities here at Miles Enterprises as part of the state and nationwide quest for solutions to provide additional homogrown sources of liquid transport fuels for domestic use.

Since 2005 we have been involved in researching and promoting winter canola in Keritucky and the south eastern region in general as a potential feedstock for bio diesel manufacture.

We have grown the area under this crop from zero to 2,500 acres in Kentucky and 6000 acres across the south east generally in the last two years. Crop potential appears good this year and we feel we are at a point where this crop can become a significant player in the state in the future given a good economically viable harvest for growers in 2008.

A key aspect of successful winter canols production is timely harvest. This season has proved very difficult from a climate perspective with higher than normal rain fall and lower temperatures slowing crop development resulting in large biomass crops with excessive lateral branching. This scenario will push harvest date later than normal, in addition, to creating significant potential for field losses, seed quality and storage issues.

The use of a pre harvest herbicide to accelerate uniform crop maturity and improve seed quality parameters is a management tool growers can use to optimize the harvest date and allow a timely planting of double crop soybeans which follow the winter canola crop. The chemical commonly used for this practice is called Regione (Syngenta Chemical Inc.) and currently there is no label for using this chemical for this application in KY. Regions is commonly used in Canada, Europe and Australia for this application. It is used here in the US for potato halum desiccation prior to harvest.

On behalf of our grower base and in conjunction with the KY Department of Agriculture, University of Kentucky and Syngents we are currently attempting to achieve a Section 18 Crisis Exemption label for this product in KY due to the difficult weather experienced this Spring.

We have had communications with the EPA in Washington and they are supportive of our work on developing new crops and are currently considering this application for a Section 18 Crisis Exemption for this product. Mr. Dan Rosenblatt and Mr. Tony Britten are the contacts in EPA who deal with these Section 18 issues.

We at Miles Enterprises would sincerely appreciate if you could lend your support to this initiative as growers and the agricultural industry attempt to commercialize a high oil content crop (40+%) for this region.

Thank you very much for your consideration of this request.

Sincerely,

2760 Keller Road, Owenshoro, KY 42301

2.0. Box 22879, Owensborn, KY 42304-2879

.4 358 P.

Opti-Crop

Telephoner (270) 926-2420 3: WYG0: 01 8007 7 NNN

ORDER SERVICE



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

JUN 17 2008

OFFICE OF PREVENTION, PESTICIDES AND TOXIC SUBSTANCES

The Honorable Mitch McConnell United States Senate Washington, D.C. 20510

Dear Senator McConnell:

Thank you for your letter of June 2, 2008, to Administrator Stephen L. Johnson on behalf of Miles Enterprises regarding an emergency exemption (Section 18) request for the use of the herbicide Reglone to accelerate uniform crop maturity for canola in Kentucky. Administrator Johnson has asked me to respond on behalf of the U.S. Environmental Protection Agency (EPA) since my office is responsible for handling emergency exemption requests.

As you may already know, Section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act authorizes EPA to allow states to use a pesticide for an unregistered use for a limited time if EPA determines that emergency conditions exist.

I am pleased to report that after careful review the Agency supported this emergency exemption request from the Kentucky Department of Agriculture to allow the use of this pesticide on canola this year. The emergency program and use of Regione was initiated on June 6, 2008. Information on emergency exemption requests is available on EPA's Pesticide Web page at: http://www.epa.gov/opprd001/section18/.

Again, thank you for your letter. If you have further questions, please contact me or your staff may call Ms. Christina Moody in the Office of Congressional and Intergovernmental Relations at 202-564-0260.

Sincerely,

James B. Gulliford

Assistant Administrator

11-001-2449

United States Senate

WASHINGTON, DC 20510

July 25, 2011

The Honorable Lisa Jackson Administrator U.S. Environmental Protection Agency 1200 Pennsylvania Avenue, N.W. Washington, DC 20460

Dear Administrator Jackson:

We are writing to express significant concerns regarding the Environmental Protection Agency's (EPA) reconsideration of the 2008 National Ambient Air Quality Standards (NAAQS) for ground level ozone. EPA's reconsideration is occurring outside the statutorily directed 5-year review process for NAAQS and without any new scientific basis necessitating a change in the 2008 standard. Moreover, this decision will burden state and local air agencies that, in the current budgetary climate, can hardly cope with existing obligations. Likewise, the economic impact of EPA's proposal, while not determinative in setting NAAQS, are highly concerning, particularly in light of the billions of dollars in new costs that EPA has acknowledged would be imposed on America's manufacturing, energy, industrial, and transportation sectors. In light of EPA's intention to issue the final reconsideration rule by the end of July, the undersigned members of the United States Senate respectfully request that EPA continue its ongoing statutory review of new science, due in 2013, and not finalize the reconsideration at this time.

Regulatory Background

As you are aware, under the Clean Air Act (CAA), EPA establishes "primary" and "secondary" national ambient air quality standards for ground level ozone and other air pollutants. Primary standards are those "the attainment and maintenance of which ... are requisite to protect the public health." 42 U.S.C. 7409. While EPA must allow an "adequate margin of safety" when setting primary standards, the CAA's legislative history indicates that these standards should be set at "the maximum permissible ambient air level ... which will protect the health of any [sensitive] group of the population." See S.Rep. No. 91–1196, 91st Cong., 2d Sess. 10 (1970) (emphasis added). Secondary standards "specify a level of air quality the attainment and maintenance of which ... is requisite to protect the public welfare from any known or anticipated adverse effects associated with the presence of such air pollutant in the ambient air." 42 U.S.C. 7409. Under Section 109(d)(1) of the CAA, EPA must complete a "thorough review" of the national ambient air quality standards "at 5-year intervals" and revise as appropriate.

Over time, EPA has tightened the ozone standard from 125 parts per billion (ppb) in the 1970s to 84 ppb in the 1990s. In March 2008, after a review process that took eight years, EPA further revised the primary ozone standard to 75 ppb and made the secondary standard identical to the revised primary standard. See 73 Fed. Reg. 16,436. EPA determined in 2008 that the 75 ppb standard was adequate, but not more stringent than necessary, to protect public health. Important decisions by state and local governments, businesses, and citizens have been made since that date in reliance on the 2008 standard.

In January of 2010, less than two years after issuing the 2008 standards, EPA announced its decision to revisit EPA's 2008 decision and to set new NAAQS for ground level ozone. This was a voluntary decision by EPA that was neither ordered by the courts nor mandated by law. Nor does administrative reconsideration of the NAAQS contain the public participation and mandatory review of new science required under the ongoing statutory 5-year review process. EPA's public statements indicate that the finalization of the new ozone standards could occur as soon as this month.

Significant Concerns with EPA's Current Approach

Several aspects of EPA's decision in this regard are troubling. First, the standard selected by EPA may force most large populated areas of the United States into non-attainment status for ground level ozone. In fact, a report by the Congressional Research Service in December 2010 made this point in very clear terms: "At 0.060 ppm [60 parts per billion], 650 counties—virtually every county with a monitor—exceeded the proposed standard." Even EPA's own estimates suggest that the new standard could add \$90 billion dollars per year to already high operating costs faced by manufacturers, agriculture, and other sectors. Areas that will not be able to meet EPA's proposed new NAAQS will face increased costs to businesses, restrictions on infrastructure investment, and limits on transportation funding. Recent studies indicate that each affected state could lose tens of thousands of jobs.

Second, EPA's new ozone standards are being finalized just three years after the agency's original decision. This is at odds with the CAA's statutory NAAQS review process that includes mandatory reviews of new science and affords public participation and comment. EPA is already more than three years into the current statutory five-year review cycle for the 2008 ozone NAAQS. We are concerned that EPA's current ozone rulemaking is at odds with important procedures and safeguards afforded by the Clean Air Act.

Third, the new standards will create significant implementation challenges for the states and local air agencies that oversee nonattainment areas. As you know, most states are facing constrained fiscal situations and meeting existing obligations is already difficult. Many states will likely find it difficult if not impossible to develop and implement new compliance plans for the new standards.

For the foregoing reasons, we would respectfully urge EPA to withdraw the current proposed reconsideration and continue the ongoing 5-year NAAQS review process set forth in the Clean Air Act.

Sincerely,

Milas B. Lij Jan Do Mart Jan Do Mart Jan Do Mart John Marchine John Marchine Miller Milas Milas Milas Milas Milas Milas Milas Marchine